4-27-84
Vol. 49 No. 83
Pages 18081-18280

Federal Register

Friday
April 27, 1984

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Environmental Protection Agency

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Federal Aviation Administration

Animal Drugs
Food and Drug Administration

Aviation Safety
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Communications Common Carriers
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National Aeronautics and Space Administration

Income Taxes
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Selected Subjects

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 461]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 280,000 cartons during the period April 29—May 5, 1984. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: April 29, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on April 24, 1984, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that order business is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing Agreements and Orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.761 is added as follows:

§ 910.761 Lemon Regulation 461.

The quantity of lemons grown in California and Arizona which may be handled during the period April 29, 1984, through May 5, 1984, is established at 280,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 25, 1984.

Thomas R. Clark,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84-11577 Filed 4-26-84; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1139

Milk in the Lake Mead Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action continues for the months of May through August 1984 the suspension of certain provisions of the Lake Mead Federal milk order. The suspension removes the limit on the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool plants and still be priced and pooled under the order. Also suspended is the requirement that 20 percent of a dairy farmer's monthly milk production be received at a pool plant in order for the remaining production to be eligible to be moved directly from the farm to nonpool manufacturing plants and still be priced and pooled under the order.

The suspension is based on evidence presented at a public hearing held in August 1983 to consider amendments to the order, including proposals to change the diversion qualification requirements for the pooling of producer milk under the order. Lake Mead Cooperative Association, which represents producers who supply the market, requested that the suspension of the diversion requirements be continued pending a decision on whether those provisions of the order should be amended to enable the cooperative to handle efficiently the reserve milk supply for the Lake Mead market. The suspension will promote the efficient handling of the market's reserve milk supply, and the pooling of milk of producers who regularly have been associated with the market.

EFFECTIVE DATE: April 27, 1984.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-2089.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued August 1, 1983; published August 5, 1983 (48 FR 35652).

Suspension Order: Issued December 6, 1983; published December 12, 1983 (48 FR 55276).

William T. Manley, Deputy Administrator, Agricultural Marketing

Service, has certified that this action would not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and would tend to insure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act or 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Lake Mead marketing area.

It is hereby found and determined that for the months of May through August 1984 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1139.13(d)(2), the language "from whom at least 20 percent of his milk production is received during the month at a pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the producer milk which the association causes to be delivered to pool plants during the month."

2. In § 1139.13(d)(3), the language "from whom at least 20 percent of his milk production is received during the month at a pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the milk received as such pool plant from producers and for which the operator of such plant is the handler during the month."

Statement of Consideration

This action makes inoperative, for May through August 1984, the requirement regarding the percentage of a dairy farmer's monthly milk production that must be received at a pool plant for the remaining production to be priced and pooled under the order. In addition, this action continues a suspension that has been in effect since April 1982 (47 FR 17036, 47 FR 38496, 47 FR 55201, 48 FR 16028, 48 FR 38205, 48 FR 55276) which removes the limit on the amount of producer milk that a cooperative association or other handler may divert to nonpool plants. The order now provides that cooperatives and pool plant operators may divert to nonpool plants up to 30 percent during the months of March through July and 20 percent in other months of the producer milk which they cause to be received at pool plants.

Continuation of the suspension until such time as amendatory action can be completed was requested by the Lake Mead Cooperative Association, which supplies a substantial part of the market's fluid milk needs and handles most of the market's reserve supplies. The cooperative association requested the suspension to provide for greater efficiencies in handling the market's reserve milk supply.

The issue of whether or not it is appropriate to require Lake Mead producers to deliver specified percentages of their milk to a pool plant as a condition for diverting milk to a nonpool plant as producer milk was one of the subjects considered at a public hearing on August 16–17, 1983. Lake Mead Cooperative Association proposed that no percentage delivery requirement apply to the total milk marketed by a cooperative association for its members, and that only one day's production of an individual producer be required to be delivered to pool plants per month.

According to testimony presented at the hearing, the need to handle an increasing quantity of reserve milk supplies is the result of a continuing imbalance between the market's fluid milk requirements and the milk supplies available from producers. Milk production continues to be heavy without a corresponding increase in sales to fluid milk outlets. As a result of these marketing conditions, the order limits on the quantity of milk that may be moved directly from farms to nonpool plants and still be priced under the order have been suspended since April 1982. Unless the suspension is continued, some of the milk of producers who regularly have supplied the fluid market would have to be moved, uneconomically, first to pool plants and then to nonpool manufacturing plants, in order to continue producer status of such milk.

A suspension of the order requirement that 20 percent of a dairy farmer's monthly milk production must be received at a pool plant in order for the remaining quantity to be eligible for diversion to nonpool plants has been in effect since May 1983. The record of the hearing indicates that unless such suspension is continued, substantial quantities of milk of individual producers who are located farthest from the market must be shipped to pool plants solely for diversion qualification purposes. The shipment of distantly located milk supplies to pool plants displaces the milk of other producers who are located nearer to the distributing plants. Such milk must then be shipped to distant outlets for surplus disposal. Proponent testified that without the continued suspension of the provisions indicated, handlers would incur unnecessary hauling costs because of the need to receive the milk of individual producers at a pool plant in order for milk of such producers to be eligible for diversion to nonpool plants. Suspension of these requirements will eliminate the need to make costly and inefficient movements of producer milk solely for the purpose of pooling the milk of dairy farmers who have been associated regularly with the market.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that the most efficient method of handling milk not needed for the fluid market is by direct movements from producer's farms to manufacturing outlets. This suspension allows for such economical movements of milk while the dairy farmers involved retain producer status;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) The marketing problems that provide the basis for this suspension action were fully reviewed at a public hearing held on August 16–17, 1983, at Las Vegas, Nevada, where all interested parties had an opportunity to be heard on this matter.

Therefore, good cause exists for making this order effective upon publication in the Federal Register.

List of Subjects in 7 CFR Part 1139

Milk marketing orders, Milk, Dairy products.

PART 1139—[AMENDED]

It is therefore ordered, that the aforesaid provisions in § 1139.13 of the Lake Mead order are hereby suspended for May through August 1984.

EFFECTIVE DATE: April 27, 1984.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on April 19, 1984.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 84–11463 Filed 4–26–84; 8:45 am]

BILLING CODE 3410–02–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

[Rev. 6, Amdt. 30]

Business Loan Policy; Interest Rates

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration has been told by lenders, investors, small business owners, and advisory groups that certain aspects of the variable interest rate regulations are confusing to the public and may be leading to a higher interest cost to the small business owners. The changes are being implemented to alleviate these problems.

The Small Business Administration (SBA) is issuing today a final rule which (1) permits the interest rate, in variable rate loans, to fluctuate monthly, (2) eliminates the requirement that the initial note rate, in variable rate loans, remain in effect for one full fluctuation period, (3) promulgates a pilot in three regions which will utilize the state legal rate as the maximum SBA loan interest rate, and (4) imposes, in such pilot regions, a 300 basis limitation on the servicing fee which a lender may charge when it sells a loan within six months of full disbursement.

EFFECTIVE DATE: April 27, 1984.

FOR FURTHER INFORMATION CONTACT: James W. Hammersley, Financial Analyst, 202-653-6268, Room 720, 1441 L Street, NW., Washington, D.C. 20416.

SUPPLEMENTARY INFORMATION: On August 16, 1983, the Small Business Administration (SBA) published in the Federal Register (48 FR 37044) a rule proposing changes in interest rate regulations. While the rule proposed the following changes, the Agency, for reasons discussed herein, is only promulgating several of the changes. The proposed rule would (1) permit interest rate fluctuations as frequently as monthly on variable rate loans, (2) eliminate the requirement that the initial note rate remain in effect for one full fluctuation period, (3) eliminate the use of the SBA Optional Peg Rate as a base rate for variable rate loans, (4) require use of the low New York prime rate as the base for variable rate loans, (5) permit SBA to operate a pilot program in Regions II, VII, and IX in which the maximum interest rate for loans is the state legal rate in the appropriate state, and (6) implement a 300 basis point limitation on the servicing fee for any loan made in the pilot regions and sold into the secondary market within six months of full disbursement.

Twenty-eight letters were received by the October 17, 1983 deadline. An additional nine letters were received during the month of December. SBA decided to consider all letters when making the final decision on the proposed rules. The letters discussing proposals number one, two and four were overwhelmingly in support of the proposed action. Therefore, SBA has decided to implement these items.

SBA received several letters requesting that the Agency continue to permit the use of the SBA Optional Peg Rate as a base rate for variable rate loans. The authors of these letters demonstrated to SBA that the Optional Peg Rate has been more stable than the prime rate during the past several years. This stability is beneficial to small business borrowers. Therefore, SBA has decided not to eliminate the Optional Peg Rage as an acceptable base rate for variable rate loans (proposal number three).

The comments received on proposals five and six generally supported using the state legal rate as a maximum rate for SBA loans and criticized the proposed three hundred basis point limitation on the servicing fee for loans sold in the secondary market within six months of full disbursement. SBA has considered these comments and decided to implement the interest rate pilot as described in the proposed regulation (proposal numbers 5 and 6). Data developed by the General Accounting Office for a study of SBA loans indicate that 89% of all loans sold carry a servicing fee of less than 300 basis points. It is the opinion of SBA that the proposed limitation will not adversely affect the amount of capital available for small business.

For the purposes of the pilot program, the lender servicing fee will be defined as the difference between the note rate paid by the borrower and the coupon rate received by the investor. The one-eighth of one percent charged by SBA's Fiscal and Transfer Agent for secondary market activities with respect to loans sold using a certificate will not be included in the calculation of the lender servicing fee.

Current regulations provide for rate fluctuations of SBA guaranteed loans no more frequently than the first day of the calendar quarter. Furthermore, the loan must remain at the initial note rate for at least one full fluctuation period after first disbursement.

Lenders, small business persons, and advisory groups to SBA have commented that they feel lenders may be charging a rate above what they normally would have charged in order to cover fluctuations in the money markets during the quarterly adjustment periods and immediately after disbursement but before rate fluctuations commence.

SBA is implementing two rule changes to address this situation. The first will permit interest rate fluctuations as frequently as monthly, on the first business day of the month. The second will eliminate the requirement that the initial note rate remain in effect for one full fluctuation period. By decreasing the market risk to the lender, SBA hopes to lower the overall cost of a variable rate loan to the borrower. The Agency has decided that small business will not be hurt by this change. Even though the note rate will escalate faster when interest rates are rising, it will also decline faster when interest rates are decreasing. It should be noted that only the minimum fluctuation period is being shortend. Borrowers and lenders are free to agree on a fluctuation period longer than monthly (i.e. quarterly, semi-annually, etc).

SBA is requiring the use of the low New York Prime Rate, as published in a daily national financial newspaper, as the base rate for all variable rate loans. The purpose of this minor change is to eliminate confusion on the part of borrowers when the prime rate listed in other daily publications might differ. The wide availability of a prime rate in a national financial newspaper will simplify the task of verification of current interest rate by small business persons and SBA employees. Furthermore, the national financial publication selected must identify the date on which the published rate was in effect in order to eliminate the confusion of whether the rate listed in the publication is effective on the date of publication or is the reporting of the rate during the previous business day.

SBA considers the two above-described amendments to constitute a major rule for the purposes of E.O. 12291 and to have a significant economic impact on a substantial number of small entities. Therefore, for the purposes of the Regulatory Flexibility Act and E.O. 12291, the following analysis of these amendments is offered.

(1) Reason for Action

The Small Business Administration has been told by lenders, investors, small business owners, and advisory groups that certain aspects of the variable interest rate regulations are confusing to the public and may be leading to a higher interest cost to the small business owners. The changes are

being implemented to alleviate these programs.

(2) Objective of Action

By decreasing the fluctuation period for variable rate loans and thereby decreasing the market risk to the lender, SBA is hoping that the interest rate to the borrower will be lower. The requirement that the initial note rate remain in effect for one full fluctuation period is being eliminated for the same reason. In some cases, lenders have been prohibited from adjusting variable rate loans for up to six months after disbursement.

The requirement that all variable rate loans be tied to the low New York Prime as published in a daily national financial newspaper is designed to eliminate confusion when the prime may be listed as a split rate and to provide small business with a reliable, easily located source to find the prime rate.

(3) Number of Businesses Involved

It is impossible to estimate precisely the number of businesses that will be affected by these regulations; however, if the regulations had been in effect in fiscal years 1982 and 1981, the maximum number of businesses that would have been affected was 15,435 and 28,740, respectively.

(4) Additional Recordkeeping Requirements

There are no additional recordkeeping requirements as a result of these regulations.

(5) Alternatives

The primary alternatives would be to permit daily fluctuation of the interest rate and let lenders use their own prime rate as a base. This was rejected for national implementation because:

(1) Daily fluctuations by *all* participating lenders would be administratively difficult to monitor for SBA. Reconstructing a payment history in order to determine if the loan payments were properly credited would become extremely difficult.

(2) Permitting *all* lenders to use their own prime rate as a base would eliminate public access to the rate as few lenders publish their prime rate in a daily public print media and would permit lenders to tie the interest rate on SBA loans to a rate that is not necessarily reflective of capital market conditions.

(6) Dollar Amount of Loans Affected

The dollar amount of loans affected cannot be precisely estimated, however, if the regulations had been in effect in fiscal year 1982 and 1981, the maximum dollar amount of loans that would have been affected was $1.63 billion and $2.90 billion, respectively.

(7) Cost/Benefit Analysis of the Rule

The benefit of this rule is expected to be a lower interest rate and easier access to the prime rate for borrowers. There are no costs associated with these changes as they will only affect loans made on or after the implementation date. Loans made prior to that date will not have to comply with these regulations.

SBA is also implementing regulations that would permit the Agency to run a pilot program in three regions to test an alternative maximum interest rate. This regulation will permit lenders located in the states of New York and New Jersey, the Commonwealth of Puerto Rico, (Region II), the states of Kansas, Missouri, Iowa, Nebraska (Region VII), and Arizona, California, Nevada, Hawaii, Guam and the Trust Territories (Region IX), to use the legal rate in the state as the maximum acceptable rate for a SBA loan. This experiment is being conducted in response to criticism that many lenders use the maximum permissible spread above the base rate on variable rate loans as the recommended spread rather than a ceiling. It is anticipated that competition among lenders will lower the typical spread charged on an SBA-guaranteed loan.

A second part of this pilot program is a three percentage point limitation (300 basis points) on the servicing fee that a lender may retain if the loan is sold within six months of full disbursement. This limitation was suggested by the Small Business Committee on Capital Access as a means of encouraging lenders to pass through to the borrower some of the benefits of the lower rates typically found on long-term, government guaranteed instruments.

SBA considers the two above-described amendments relating to the proposed pilot program to constitute a major rule for the purposes of E.O. 12291 and to have a significant economic impact on a substantial number of small entities. Therefore, for the purposes of the Regulatory Flexibility Act and E.O. 12291, the following analysis of these amendments is offered.

(1) Reason for Action

SBA desires to test the hypothesis that many lenders use the maximum permissable spread above the base rate on variable rate loans as a recommended spread instead of a ceiling.

(2) Objective of Action

The objective is to accumulate empirical evidence in order to test the hypothesis.

(3) Number of Businesses Involved

It is impossible to estimate precisely the number of businesses that will be affected by these regulations; however, if the regulations had been in effect in fiscal year 1982, the maximum number of businesses that would have been affected was 4048.

(4) Additional Recordkeeping Requirements

There are no additional recordkeeping requirements as a result of these regulations.

(5) Alternatives

The primary alternative would be to maintain the status quo.

(6) Dollar Amount of Loans Affected

The dollar amount of loans affected cannot be precisely estimated, however, if the regulation had been in effect in fiscal year 1982, the maximum dollar amount of loans that could have been affected was $489,832,000.

(7) Cost/Benefit Analysis of the Rule

The benefit of this rule is anticipated to be a lower interest rate charged to small business on variable rate loans.

List of Subjects in 13 CFR Part 120

Loan programs/business, Small businesses.

PART 120—[AMENDED]

Accordingly pursuant to the authority contained in Section 5(b)(6) of the Small Business Act, as amended (15 U.S.C. 634(b)(6)), SBA is amending Part 120, Chapter I, Title 13, Code of Federal Regulations by adding paragraphs (C) and (D) to § 120.3(b)(2)(iii) to read as follows:

§ 120.3 Terms and conditions of business loans and guarantees.

* * * * *

(b) *Fees and interest rates*—* * *.

(2) * * *.

(iii) * * *.

C. Subject to subparagraph (b)(2)(ii) of this section, and for loans approved on or after (effective date of this paragraph) a participating lender may utilize a fluctuating rate of interest. The fluctuations may occur not more often than monthly, and must rise and fall on the same basis. Fluctuation periods commence on the first business day of the month following first disbursement. The initial interest rate on the loan shall

not exceed SBA's maximum acceptable rate as of the date the loan application was received by SBA. Thereafter, the publication of, or variations in, SBA's maximum acceptable rate shall have no further effect on application when the interest rate on the note fluctuates as the base rate fluctuates. The base rate for fluctuating interest shall be the low New York prime rate in effect on the first business day of the month, as published in a national financial newspaper published each business day. For loans with maturities under seven (7) years, the increase in interest to be added to the base rate may be established by the lender up to, but cannot exceed, two and one quarter (2¼) percentage points. For loans with maturities of seven (7) or more years, the increase in interest to be added to the base rate may be established by the lender up to, but not to exceed, two and three quarter (2¾) percentage points, without regard to SBA's maximum acceptable rate, except as to the limitation on the initial interest rate as provided in this subparagraph. Amortization of the loan may be either by fixed principal amounts plus interest at the specified rate for the particular fluctuation period, or by equal payments combining principal and interest: *Provided, however,* That the equal payment may be based on an interest rate higher than the note rate to insure that future payments will be sufficient to pay interest on the outstanding principal.

(D) For a period of one year from (the effective date of this provision) and only for the States of New Jersey, New York, the Commonwealth of Puerto Rico (Region II); Iowa, Kansas, Missouri, Nebraska (Region VII); and Arizona, California, Hawaii, Nevada (Region IX), the maximum initial interest rate on a fluctuating rate loan shall be the State legal rate applicable to such loan. Thereafter, the rate may fluctuate and the loan be amortized as set forth in paragraph (b)(2)(iii)(C) of this section provided that the reference to percentage point limits is not applicable. If the guaranteed portion of a loan made pursuant to this subparagraph is transferred as provided in § 120.5(a)(3) of this part to a third party within six months following full disbursement, such transfer shall be at a price which will not result in a differential greater than three percentage points (three hundred basis points) between the interest rate paid by the borrower and the coupon rate received by the investor.

(Catalog of Federal Domestic Assistance Program No. 59.012, Small Business Loans)

Dated: April 16, 1984.

James G. Sanders,

Administrator.

[FR Doc. 84-11401 Filed 4-26-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 24042; Amdt. No. 1267]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFO-230), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require

making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

List of Subjects in 14 CFR Part 97

Aviation safety, Approaches—Standard instrument.

Adoption of the Amendment

PART 97—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By Amending §97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME, or TACAN SIAPs identified as follows:

** * * Effective June 7, 1984*

Montrose, CO—Montrose County, VOR/DME, RWY 12, Amdt. 6
Montrose, CO—Montrose County, VOR RWY 12, Amdt. 5
Mt. Pleasant, MI—Mt. Pleasant Muni, VOR RWY 27, Amdt. 9
Fergus Falls, MN—Fergus Falls Muni-Einar Mickelson Fld, VOR RWY 35, Amdt. 7
Fergus Falls, MN—Fergus Falls Muni-Einar Mickelson Fld, VOR/DME, RWY 31, Amdt. 2
Fergus Falls, MN—Fergus Falls Muni-Einar Mickelson Fld, VOR RWY 17, Amdt. 5
Beeville, TX—Beeville Muni, VOR/DME RWY 12, Amdt. 3
Cleburne, TX—Cleburne Muni, VOR/DME-A, Amdt. 2
Houston, TX—Houston Intercontinental, VOR/DME RWY 14L, Amdt. 12
Houston, TX—Houston Intercontinental, VOR/DME RWY 32R, Amdt. 11
Wichita Falls, TX—Sheppard AFB/Wichita Falls Muni, VOR-A, Amdt. 11

2. By Amending §97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, and SDF/DME SIAPs identified as follows:

** * * Effective June 7, 1984*

Charlotte, NC—Charlotte/Douglas Intl, LOC BC RWY 23, Amdt. 3
Brownsville, TX—Brownsvills/South Padre Island International, LOC BC RWY 31L, Amdt. 9

3. By Amending §97.27 NDB and NDB/DME SIAPs identified as follows:

** * * Effective June 7, 1984*

Blytheville, AR—Blytheville Muni, NDB-A, Amdt. 2
Lawrenceville, GA—Gwinnett County, NDB RWY 25, Amdt. 1
Venice, LA—Garden Island Bay Seaplane Base, NDB-A, Amdt. 2
Adrian, MI—Lenawee County, NDB RWY 5, Amdt. 6
St Louis, MO—Lambert-St Louis Intl, NDB RWY 24, Amdt. 35
Charlotte, NC—Charlotte/Douglas Intl, NDB RWY 5, Amdt. 27
Buffalo, OK—Buffalo Muni, NDB-A, Amdt. 1
Clinton OK—Clinton Muni, NDB RWY 35, Amdt. 3
El Reno, OK—Mustang Field, NDB RWY 35, Orig.
Heneryetta, OK—Heneryetta Muni, NDB RWY 35, Amdt. 2
Mooreland, OK—Mooreland Muni, NDB RWY 17, Amdt. 1
Beeville, TX—Beeville Muni, NDB RWY 30, Amdt. 1
Brownsville, TX—Brownsville/South Padre Island Intl, NDB RWY 31L, Amdt. 4
Brownsville, TX—Brownsville/South Padre Island Intl, NDB RWY 13R, Amdt. 12
Hebbronville, TX—Jim Hogg County, NDB RWY 13, Amdt. 1
Houston, TX—Houston Intercontinental, NDB RWY 8, Amdt. 9
Houston, TX—Houston Intercontinental, NDB RWY 26, Amdt. 1
Huntsville, TX—Huntsville Muni, NDB RWY 18, Amdt. 3
Kingsville, TX—Kleberg County, NDB RWY 13, Amdt. 2
Nacogdoches, TX—East Texas Regional, NDB RWY 15, Amdt. 2

4. By Amending §97.29 ILS ILS/DME, ISMLS, MLS, MLS/DME and MLS/RNAV SIAPs identified as follows:

** * * Effective June 5, 1984*

Los Angeles, CA—Los Angeles Int'l, ILS RWY 7R, Orig.
Los Angeles, CA—Los Angeles Int'l, ILS RWY 25L, Orig.

** * * Effective June 7, 1984*

St Louis, MO—Lambert-St Louis Intl, ILS RWY 24, Amdt. 40
North Kingstown, RI—Quonset State, ILS RWY 16, Amdt. 2
Brownsville, TX—Brownsville/South Padre Island Intl, ILS RWY 13R, Amdt. 9
Houston, TX—Houston Intercontinental, ILS RWY 32R, Amdt. 7
Houston, TX—Houston Intercontinental, ILS RWY 26, Amdt. 9
Houston, TX—Houston Intercontinental, ILS RWY 14L, Amdt. 8
Houston, TX—Houston Intercontinental, ILS RWY 8, Amdt. 14

** * * Effective May 10, 1984*

Islip, NY—Long Island MacArthur, ILS RWY 24, Orig.
Islip, NY—Long Island MacArthur, ILS RWY 24, Amdt. 2, Cancelled

** * * Effective April 17, 1984*

Washington, DC—Dulles Intl, ILS RWY 19R, Amdt. 18

5. By Amending §97.33 RNAV SIAPs identified as follows:

** * * Effective June 7, 1984*

St Louis, MO—Lambert-St Louis Intl, RNAV RWY 24, Amdt. 1
Cleburne, TX—Cleburne Municipal, RNAV RWY 15, Orig.
Cleburne, TX—Cleburne Municipal, RNAV RWY 33, Orig.

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449 January 12, 1983); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under Dot Regulatory Policies and Procedures (44 FR 1134; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on April 20, 1984.

Kenneth S. Hunt,
Director of Flight Operations.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

[FR Doc. 84-11356 Filed 4-26-84; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Parts 121 and 139

[Docket No. 20450; Amdt. Nos. 121-102 and 139-13]

Airport Certification Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the rule specifying which airports must be certificated. This is necessary to implement a statutory amendment passed by Congress, to respond to concerns that certain airports serving "commuter" aircraft were not subject to airport certification, and to address some confusion over airport certification requirements. This amendment sets new

standards for the applicability of the airport certification rules.

EFFECTIVE DATE: May 29, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Jose Roman, Jr., Safety and Compliance Division (AAS-300), Office of Airport Standards, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 426-3087.

SUPPLEMENTARY INFORMATION:

Background

The amendments adopted in this document were proposed in a Supplemental Notice of Proposed Rule Making, Notice No. 80-10A (48 FR 25211; June 6, 1983), which provided all interested persons with the opportunity to comment and to participate in rulemaking.

Since 1970, Section 612 of the Federal Aviation Act of 1958 (FA Act) (49 U.S.C. 1432) has empowered the Administrator of the FAA to issue airport operating certificates to airports serving certain air carriers and to establish minimum safety standards for the operation of those airports. Prior to the enactment of the Airport and Airway Improvement Act of 1982, this authority was limited to air carriers certificated by the Civil Aeronautics Board (CAB). The FAA implemented § 612 in 1972 by adopting Part 139 of the Federal Aviation Regulations (FAR). Under current Part 139 an airport serving an air carrier conducting operations at that airport under the authority of a certificate of public convenience and necessity (CPCN) issued by the CAB is required to hold an airport operating certificate if any of those air carrier operations at the airport are conducted in large aircraft (more than 12,500 pounds maximum certificated takeoff weight). If all of the CPCN operations at the airport are unscheduled large aircraft operations or scheduled small aircraft operations, the airport operator is required to hold a limited airport operating certificate.

As was explained in Notice 80-10A, formerly the routes on which air carriers holding CPCN's could operate were strictly controlled by the CAB. With the implementation of the Airline Deregulation Act of 1978 (Pub. L. 95-504, 92 Stat. 1705), and the relaxation of the CAB policies and regulations, route structures become more flexible, numerous scheduled air carriers not holding CPCN's ("commuters") began conducting operations similar to those that were previously conducted by only CPCN holders, and CPCN holders began serving airports not included in former routes. The FAA became concerned that currently Part 139 does not require many airports used by these "commuter" air carriers to be certificated, although the traveling public is likely to assume that the same level of safety and service will be provided at these airports.

Under current CAB regulations, CPCN certificates only apply to operations conducted by air carriers in aircraft having a passenger seating capacity of more than 60 passengers or a payload of more than 18,000 pounds. Since current Part 139 is applicable to an airport only if it serves an air carrier conducting operations into the airport under a CPCN, airports serving only air carriers operating aircraft with less than 61 passenger seats are not required by Part 139 to be certificated. Nevertheless, § 121.590 of the FAR provides that air carrier operations conducted under the rules of Part 121 may operate only into Part 139 certificated airports. Therefore, air carriers using aircraft with a seating capacity of more than 30, but less than 61, passengers are required to operate into certificated airports under the rules of Part 121, but the airports into which they operate are not required by Part 139 to hold a certificate. Thus, airports serving air carriers operating under the rules of Part 121 using only aircraft with a seating capacity of more than 30 passengers and less than 61 passengers remain under current Part 139 only if they voluntarily elect to do so in order to keep this service. This has resulted in much confusion on the part of airport operators and air carriers as to which air carriers can operate into which airports.

On September 3, 1982, the Airport and Airway Improvement Act of 1982 (Pub. L. 97-248) was enacted, in part amending Section 610 and Section 612 of the FA Act. Section 612(a), as amended by Pub. L. 97-248, empowers the Administrator to issue airport operating certificates, and to establish minimum safety standards for the operation of, airports that serve any scheduled or unscheduled passenger operation of air carrier aircraft designed for more than 30 passenger seats. Section 612(b), as amended, provides that any person desiring to operate an airport which is described in Section 612(a) and is required by the Administrator, by rule, to be certificated, may file an application for certification with the Administrator. Section 612(a)(8) was amended to make it unlawful for any person to operate an airport without an airport operating certificate required by the Administrator pursuant to Section 612, or in violation of the terms of that certificate.

To implement the authority provided in Pub. L. 97-248, and to simplify and clarify the applicability of Part 139, Notice 80-10A proposed to revise Part 139 and § 121.590.

Notice 80-10A proposed amending Part 139 to apply to airports serving any scheduled or unscheduled air carrier operations of aircraft having a seating capacity of more than 30 passengers. It proposed to delete references to "CAB-certificated air carriers" and to small aircraft in Part 139. In order to maintain a consistent policy toward small aircraft, it proposed to delete the requirement in § 121.590(b) that small aircraft operated by Part 121 air carriers use only certificated airports. However, Notice 80-10A proposed to continue the provision in § 121.590 that aircraft with a payload capacity of more than 7,500 pounds, that is, any cargo operations under Part 121, must operate only into certificated airports. The Notice stated that in appropriate cases the FAA would authorize a deviation from § 121.590 if (1) the air carrier shows it needs to operate an aircraft with a payload capacity over 7,500 pounds, but with a seating capacity of 30 or fewer passengers, into an uncertificated airport because of unique circumstances, and (2) the FAA determines any conditions necessary for safe operations by that air carrier into the specified airport.

Discussion of the Comments

Twenty comments to Notice No. 80-10A were received. The comments represent the views of the industry, state and local governments, and aviation associations.

Four of the commenters concur, and recommend adoption of the proposed rule. One commenter requests that implementation begin as soon as possible with waivers being extended to those noncompliant airports making efforts to comply.

Eleven commenters from the resort areas of New England object to requiring certification of air carrier airports that serve aircraft with between 30 and 61 seats. They state that an undue financial hardship would result for a number of airports that have seasonal service by air carriers with more than 30 seats. These commenters recommend using the CAB break-point of 60 passenger seats as the basis for airport certification. One of these commenters suggested that airports serving a small number of Part 121 aircraft per day be given exemptions from the rule. An association of airline pilots does not agree with the more than 30-seat limit proposed in the notice because it does not consider such variables as number of movements, aircraft size and the increasing numbers

of the below 30-seat carrier fleet. This association does not state what limit would in its opinion be more appropriate.

Four commenters from Alaska concur with the proposal to certificate air carrier airports served by aircraft with seating capacities of more than 30 passengers. However, these commenters object to the continued requirement in § 121.590 that all air carriers land only at certificated airports, including cargo operations. Some are under the impression that Notice 80–10A proposed a change to § 121.590 to impose this requirement. They state that requiring cargo operations to use only certificated airports would unduly restrict the number of airports available for their use, and would be a harsh burden to those small, remote communities, dependent on air cargo service, which would have to obtain certification for their airports.

The FAA is not adopting the suggestions that airport certification be keyed to the daily number of aircraft movements or to any standards other than the passenger seating capacity. It is preferable, for the efficient operation of the airport certification program and to avoid undue confusion, to have a clear standard based on easily identifiable criteria. There are few airports which have seasonal activity to the extent reported by the commenters. The FAA does not consider that there is a sufficient number to warrant general rulemaking to attend to their special circumstances. Part 139 provides for exemptions to certain sections of the regulation under appropriate circumstances. If the air carrier operations are seasonal, requests for relief from at least a portion of the requirements can be accommodated if they are justifiable. The New England airports referred to in the comments hold limited airport operating certificates, and thus have had some determination as to the necessity for fire fighting and rescue equipment. This determination will be carefully considered if they apply for exemptions from the full requirements of Part 139. The FAA has determined, therefore, that the rule as proposed will not be unduly burdensome on those airports whose service to air carrier aircraft with more than 30 passenger seats is seasonal.

The FAA disagrees with those commenters who request that cargo operations under Part 121 be permitted to use uncertificated airports under §121.590. The FAA is required, under section 601(b) of the FA Act, to "give full consideration to the duty resting upon air carriers to perform their services with the highest possible degree of safety in the public interest * * *." Part 121 air carrier operations may be passenger operations, part cargo and part passenger, or all cargo. The FAA continues to consider that it is necessary in the interest of maintaining the required level of safety not to permit any Part 121 operator to have the unrestricted authority to use any uncertificated airport. This is not a newly adopted requirement, contrary to some of the commenters' impressions.

The FAA recognizes, however, that there are circumstances in which it is impractical or impossible to require that a Part 121 operator conduct all of its operations into Part 139 certificated airports. This may be true, for instance, in remote areas or in special situations or limited operations, such as an "airport" that consists of a frozen lake or a beach, or a one-time fire fighting operation at a remote forest site.

In recognition of the need for some Part 121 operations to be conducted into uncertificated airports, the FAA is retaining, in the amendment, the wording which allows the Administrator to authorize deviations from § 121.590 to allow air carriers to operate into uncertificated airports. Each situation where a deviation from § 121.590 is requested must be judged on its own merits after a careful evaluation of all aspects of the proposed operation in order to assure than an appropriate level of safety is maintained. One commenter noted that a cargo air carrier was authorized by the FAA to operate into his Alaskan town's uncertificated airport after the FAA made a safety inspection of the airport. Such authorizations will continue in effect, and new ones will be granted when appropriate. This amendment will not require certification of uncertificated airports who now receive Part 121 cargo service from air carriers authorized to provide this service; nor will it require those Part 121 operators to cease operation. The FAA has determined, therefore, that this rule will not unduly burden those communities now receiving the service or those air carriers now providing the service.

The FAA reviewed the comments to Notice 80–10. Since Notice 80–10A withdrew Notice 80–10, and proposed completely different rules, the comments to Notice 80–10 are not applicable here. Many of the comments to Notice 80–10 concerned the requirements for crash, fire, and rescue equipment in Part 139. These comments have been considered in connection with a review of all of Part 139 now being undertaken by the FAA.

Description of the Amendment

After considering all of the comments, the FAA has decided to adopt the amendments as proposed in Notice 80–10A.

Part 139 is amended to apply to airports serving any scheduled or unscheduled air carrier operations of aircraft having a seating capacity of more than 30 passengers. The references to "CAB-certificated air carriers" in Part 139 are deleted. The more-than-30-seat limit is consistent with limited authority granted by Congress and with the general division now existing in the FAR between air carriers operating under the rules of Part 121 and those operating under Part 135.

While Pub. L. 97–248 speaks to "aircraft *designed for* more than 30 passenger seats" (emphasis added), the amendment will limit Part 139 applicability to airports serving air carrier aircraft having a *seating capacity of* more than 30 passengers. This will exclude from the certification requirement airports serving aircraft designed to carry more than 30 passenger seats, but with 30 or fewer passenger seats actually installed in the aircraft. As noted above, section 612 of the FA Act, as amended, provides the Administrator with discretion to determine the appropriate criteria for certification of airports. The FAA believes that the requirement that airports must obtain and maintain certificates shoud be keyed to the number of passenger seats installed, rather than the number of passenger seats for which the aircraft is designed. This will place the burden of certification on airports only when there is the potential for the safety of more than 30 passengers to be protected, and place no direct burden on the airports when only cargo air carrier operations are served.

References to small aircraft in Part 139 are being deleted, since small aircraft (12,500 pounds or less maximum certificated takeoff weight, as defined in Part 1) have about 20 or fewer seats. Section 121.590 is also being amended to delete references to small aircraft.

While Part 139 is being keyed only to passenger seating capacity, § 121.590 will continue to require aircraft with a payload capacity of over 7,500 pounds, that is, any cargo operations under Part 121, to operate only into certificated airports. Thus, while the airport operator will not have to refer to the payload capacity of the aircraft to determine whether airport certification is necessary to serve a particular cargo flight, air carriers will continue to be

required to conduct operations under Part 121 only into certificated airports. Deviations from § 121.590 will be authorized in appropriate cases. Under this scheme, air carriers operating under Part 121 will continue to be held to the highest standard of safety, in that they will in general only use certificated airports. However, the FAA will have the flexibility to determine that, with any special conditions found necessary for safety, the air carrier may operate into a particular uncertificated airport. Such a deviation may be authorized by the field office/regional office responsible for the safety certification and surveillance of the air carrier. This may be accomplished through an amendment to the air carrier's operating specifications.

It is anticipated that under the rule there will be very few Part 121 operations into uncertificated airports, and few air carriers who will find it necessary to request a deviation from § 121.590. By placing no direct burden on the operators of the airports involved, this amendment provides the least amount of regulation consistent with safety and the efficient administration of the program. As experience is gained with the amendments to Part 139, the FAA will consider whether § 121.590 should be amended to require air carriers to use certificated airports based only on passenger seating capacity.

Section 121.590 by its terms applies to domestic, flag and supplemental air carriers, and air carriers certificated under Part 127, conducting operations under Part 121. Consistent with nomenclature changes made by Special Federal Aviation Regulation 38, references to specific air carriers from the heading and body of § 121.590 are removed, and the section refers only to air carriers operating under Part 121.

Regulatory Evaluation

Notice No. 80-10A invited public comments concerning the identity of, and the economic relief given to, those airports electing not to continue compliance with Part 139 and the cost to those Part 121 air carriers desiring to continue service to those airports. The Notice also requested information on the economic impact to Part 121 air carriers which would discontinue passenger services under an authorized deviation from § 121.590 to airports not currently certificated under Part 139. Comments on the economic aspects of the proposal were submitted by industry, state, and local governments.

The FAA has determined that the benefits associated with the final rule amendments to § 121.590 and Part 139 exceeds its costs. The economic evaluation has concluded that the final rule changes will not have a cost impact on Part 139 airports. One air carrier, however, conducting passenger operations under a deviation from § 121.590 will have to cancel service to three uncertificated airports. The FAA anticipates that the carrier will elect to divert service to certificated airports rather than cancel all service and will incur unquantified minor costs to do so. Three airports electing not to continue to comply with Part 139 will realize future annualized savings of $264,000 as a result of not having to maintain and replace Crash/Fire/Rescue equipment, conduct periodic facilities inspections, and comply with reporting and administrative requirements in accordance with the requirements of Part 139.

List of Subjects

14 CFR Part 121

Aviation safety, Safety, Air carriers, Aircraft, Airplanes, Airports.

14 CFR Part 139

Air safety, Safety, Aviation safety, Air carriers, Aircraft, Airports, Airplanes.

The Amendment

Accordingly, the Federal Aviation Administration amends Parts 121 and 139 of the Federal Aviation Regulations (14 CFR Parts 121 and 139), effective May 29, 1984 as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. By revising § 121.590 to read as follows:

§ 121.590 Use of certificated land airports.

(a) Unless otherwise authorized by the Administrator, no air carrier, and no pilot being used by an air carrier may, in the conduct of operations governed by this part, operate an aircraft into a land airport in any State of the United States, the District of Columbia, or any territory or possession of the United States, unless that airport is certificated under Part 139 of this chapter. However, an air carrier may designate and use as a required alternate airport for departure or destination an airport that is not certificated under Part 139 of this chapter.

(b) Notwithstanding § 121.13 (a) and (b), the provisions of this section apply to air carriers specified herein when conducting operations with helicopters.

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CERTAIN AIR CARRIERS

2. By revising the title of Part 139 to read as set forth above.

3. By revising § 139.1(a), the introductory phrase of § 139.1(b), and § 139.1(b)(2) to read as follows:

§ 139.1 Applicability.

(a) This part prescribes rules governing the certification and operation of land airports which serve any scheduled or unscheduled passenger operation of an air carrier that is conducted with an aircraft having a seating capacity of more than 30 passengers.

(b) The following are definitions of terms used in this part:

* * * * *

(2) "Air carrier user" means an air carrier while operating an aircraft having a seating capacity of more than 30 passengers.

* * * * *

§ 139.3 [Amended]

4. By removing the words "CAB-certificated air carrier operating aircraft into that airport" in § 139.3 and inserting, in their place, the words "scheduled or unscheduled passenger operation of an air carrier that is conducted with an aircraft having a seating capacity of more than 30 passengers".

§ 139.12a [Amended]

5. By revising the heading of § 139.12a to read as follows: § 139.12a Issue of limited certificates for airports serving only unscheduled operations.

* * * * *

6. By removing the words "CAB-certificated" in § 139.12a(a).

7. By removing the words "or operations with small aircraft" in § 139.12a(a).

(Secs. 313(a) and 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1432); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983))

Note.—Pursuant to the amendment three airports now certificated under Part 139 are expected to drop their certificates, resulting in economic benefits to those airports. The amendment is expected to result in minor costs to an air carrier who may direct service from uncertificated airports to certificated airports. For these reasons, the FAA has determined that this document involves a regulation that is not a major regulation under Executive Order 12291 and is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The FAA has determined that a relatively

small number of small entities will receive an economic benefit or cost under the rule, and that these benefits or costs will be minor. It is therefore certified that under the criteria of the Regulatory Flexibility Act the rule will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and placed in the regulatory docket. A copy may be obtained by contacting the person listed under "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on March 14, 1984.

Michael J. Fenello,

Acting Administrator.

[FR Doc. 84-11358 Filed 4-26-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 399

[Docket No. 40124-07]

Amendments to the Commodity Control List

Correction

In FR Doc. 84-8438 beginning on page 12678 in the issue of Friday, March 30, 1984, make the following correction.

On page 12681, third column, 1564A, paragraph (a)(3), there should be a line of five (5) stars appearing at the end.

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Fenbendazole Powder

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by American Hoechst Corp., providing for safe and effective use of 4 percent fenbendazole powder in swine feed as an anthelmintic.

EFFECTIVE DATE: January 31, 1984.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Center for Veterinary Medicine (formerly Bureau of Veterinary Medicine) (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: American Hoechst Corp., Animal Health Division, Route 202-206 North, Somerville, NJ 08876, filed NADA 131-675 providing for use of 4- and 20-percent fenbendazole premixes for making finished swine feed intended for use as an anthelmintic. The approval published in the Federal Register of January 31, 1984 (49 FR 3845) and was codified in § 558.258 *Fenbendazole* (21 CFR 558.258). The approval included a 2-ounce packet containing 4 percent fenbendazole. Subsequently, the sponsor submitted subject supplemental NADA 131-675 requesting that the 2-ounce packet be codified as a dosage form under 21 CFR Part 520. The supplemental NADA is approved, and the regulations are amended accordingly. The freedom of information summary for NADA 131-675, which was published in the January 31 Federal Register, also applies to this approval.

List of Subjects in 21 CFR Part 520

Animal drugs, Oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.905d to read as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.905d Fenbendazole powder.

(a) *Specifications.* Each 2-ounce packet contains 2.27 grams (4 percent) of fenbendazole plus other inert ingredients.

(b) *Sponsor.* See No. 012799 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.275 of this chapter.

(d) *Conditions of use.* It is administered to swine as follows:

(1) *Amount.* 3 milligrams fenbendazole per kilogram body weight per day (1.36 milligrams per pound per day).

(2) *Indications for use.* For removal and control of large roundworms (*Ascaris suum*); lungworms (*Metastrongylus apri*); nodular worms (*Oesophagostomum dentatum, O. quadrispinulatum*); small stomach worms *Hyostrongylus rubidus*); whipworms (*Trichuris suis*); and kidneyworms (*Stephanurus dentatus*—mature and immature).

(3) *Limitations.* Thoroughly mix the contents of the packet(s) with swine ration and administer according to label directions. Feed as sole ration for 3 consecutive days. Can be fed to pregnant sows. No prior withdrawal of feed or water is necessary. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

Effective date. January 31, 1984.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 19, 1984.

Richard A. Carnevale,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 84-11339 Filed 4-26-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7951]

Income Tax; Credit for Expenses for Household and Dependent Care Services Necessary for Gainful Employment

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the credit for expenses for household and dependent care services necessary for gainful employment. Changes to the applicable tax law were made by the Economic Recovery Tax Act of 1981. The regulations provide the public with the guidance needed to comply with the changes to the credit made by the Act.

EFFECTIVE DATE: The amendments are effective for taxable years beginning on or after January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Nerman Dobynes Hubbard of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3297).

SUPPLEMENTARY INFORMATION:

Background

On September 8, 1983, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 44A of the Internal Revenue Code of 1954 (48 FR 40528). The notice of proposed rulemaking published on September 8, 1983 was corrected by a correction notice published in the Federal Register for October 18, 1983 (48

FR 48255). These amendments were proposed to conform the regulations to changes made by section 124 (a) through (d) and (f) of the Economic Recovery Tax Act of 1981 (Pub. L. 97-34). No public hearing on the proposed amendments was requested and, accordingly, none was held. After consideration of all comments regarding the proposed amendments, those amendments are adopted without change by this Treasury decision. The amendments to the regulations create no new recordkeeping or reporting requirements. Evaluation of the effectiveness of the regulations after issuance will be based on comments received from offices within the Internal Revenue Service, the Treasury Department, other governmental agencies, state and local governments, and the public.

In general, the amendments reflect the modification to section 44A made by the Economic Recovery Tax Act of 1981. The 1981 Act increases the credit from 20% of the employment-related expenses paid by a taxpayer in order to be gainfully employed to 30% of the employment-related expenses for a taxpayer whose adjusted gross income is $10,000 or less, phasing down to 20% where the adjusted gross income is above $28,000. The employment-related expenses on which the credit is based is increased from $2,000 to $2,400 for the care of one qualifying individual and from $4,000 to $4,800 if more than one qualifying individual is involved.

The Act also provides that a taxpayer may take into account employment-related expenses incurred outside the taxpayer's household for the care of a physically or mentally incapacitated dependent (age 15 or over) or spouse of the taxpayer who regularly spends at least eight hours each day in the taxpayer's household. Payment for services provided outside the taxpayer's household for a qualifying individual by a dependent care center are to be taken into account as employment-related expenses only if the center complies with all applicable State and local laws and regulations. A dependent care center is any facility which provides care for more than six individuals (other than residents) and receives a fee, payment, or grant for providing services for any of the individuals. The regulations provide, in general, that in order for a facility to be considered a dependent care center the care provided by the facility for more than six individuals must be on a regular basis during the taxpayer's taxable year. A rebuttable presumption is created when the center has six or less individuals (including the qualifying individual) enrolled on the day the qualifying individual enrolls in the center.

Finally, the Act increases the amount of income deemed to be earned by the taxpayer's spouse who is a full-time student or incapable of self-care from $166 to $200 per month if there is one qualifying individual and from $333 to $400 per month if there is more than one qualifying individual.

Public Comments

One comment objected to the use of a taxpayer's adjusted gross income as a means of determining the applicable percentage of employment-related expenses to be taken into account for purposes of calculating the allowable credit. It was suggested that the applicable percentage be based on the lesser of the taxpayer's or spouse's earned income. Since the use of adjusted gross income is prescribed by the Code, the regulations cannot be amended in the manner suggested in the comment.

Another comment suggested that the ceiling on employment-related expenses on which the credit is based be changed from $2,400 for one qualifying individual and $4,800 for two or more qualifying individuals to $2,400 for each and every qualifying individual. This suggestion was not adopted because section 44A(d) of the Code specifies the maximum amount of employment-related expenses which may be taken into account for purposes of the credit.

Special Analyses

The Commissioner of Internal Revenue has determined that a Regulatory Impact Analysis under Executive Order 12291 is not required because this final rule is not a major legislative rule within the meaning of the April 29, 1983 agreement between the Treasury Department and OMB. The Internal Revenue Service has concluded that the final regulations contained herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these final regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of these final regulations is Nerman Dobynes Hubbard of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR 1.0-1—1.58-8

Income taxes, Tax liability, Tax rates, Credits.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended as follows:

PART 1—[AMENDED]

Paragraph 1. Section 1.44A-1 is amended by revising paragraph (a)(2), by revising paragraph (c)(4), by redesignating subparagraphs (5) and (6) of paragraph (c) as subparagraphs (6) and (7), respectively, and inserting a new subparagraph (5), to read as follows:

§ 1.44A-1 Expenses for household and dependent care services necessary for gainful employment.

(a) *In general.* * * *

(2) Section 44A allows a credit against the tax imposed by chapter 1 of the Code to an individual who maintains a household (within the meaning of paragraph (d) of this section) which includes as a member one or more qualifying individuals (as defined in paragraph (b) of this section). The amount of the credit is equal to the applicable percentage of the employment-related expenses (as defined in paragraph (c) of this section) paid by the individual during the taxable year (but subject to the limits prescribed in § 1.44A-2(a)). However, the credit cannot exceed the tax imposed by chapter 1, reduced by the sum of the allowable credits enumerated in section 44A(b). The term "applicable percentage" means 30 percent reduced by 1 percentage point for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $10,000, but in no event shall the percent be less than 20 percent. Thus, for example, if a taxpayer's adjusted gross income is over $10,000, but less than $12,000.01, the applicable percentage is 29 percent. (For expenses incurred in taxable years beginning before January 1, 1982, the applicable percentage is a flat 20 percent).

* * * * *

(c) *Employment-related expenses.* * * *

(4) *Services outside the taxpayer's household.* The credit is allowed under section 44A with respect to employment-related expenses incurred for services performed outside the taxpayer's household only if those expenses are incurred for the care of—

(i) One or more qualifying individuals who are described in paragraph (b)(1)(i) of this section; or

(ii) One or more qualifying individuals (as to expenses incurred for taxable years beginning after December 31, 1981) who are described in paragraph (b)(1) (ii) or (iii) of this section and who regularly spend at least 8 hours each day in the taxpayer's household.

(5) *Dependent care centers.* The credit is allowed under section 44A with respect to employment-related expenses incurred in taxable years beginning after December 31, 1981, for services provided outside the taxpayer's household by a dependent care center only if—

(i) The center complies with all applicable laws and regulations of a State or unit of local government (*e.g.*, State or local requirements for licensing, if applicable, and building and fire Code regulations); and

(ii) The requirement provided in paragraph (c)(4)(i) or (ii) of this section is met.

The term "dependent care center" means any facility that provides full-time or part-time care for more than six individuals (other than residents of the facility) on a regular basis during the taxpayer's taxable year, and receives a fee, payment, or grant for providing services for any such individuals (regardless of whether such facility is operated for profit). For purposes of the preceding sentence, a facility will be presumed to provide full-time or part-time care for six or less individuals on a regular basis during the taxpayer's taxable year if the facility has six or less individuals (including the qualifying individual) enrolled for full-time or part-time care on the day the qualifying individual is enrolled in the facility (or on the first day of the taxable year the qualifying individual attends the facility in the case where the individual was enrolled in the facility in the preceding taxable year) unless the Internal Revenue Service demonstrates that the facility provides full-time or part-time care for more than six individuals on a regular basis during the taxpayer's taxable year.

(6) *Allocation of expenses.* * * *

(7) Illustrations. * * *

Par. 2. Section 1.44A-2 is amended by revising paragraph (a) and by revising subparagraphs (3)(i) and (4) of paragraph (b) to read as follows:

§ 1.44A-2 Limitations on amount creditable.

(a) *Annual dollar limit on amount creditable.* The amount of the employment-related expenses incurred during any taxable year which may be taken into account under § 1.44A-1 (a) cannot exceed—

(1) $2,400 ($2,000 in the case of expenses incurred in taxable years beginning before January 1, 1982) if there is one qualifying individual with respect to the taxpayer at any time during the taxable year, or

(2) $4,800 ($4,000 in the case of expenses incurred in taxable years beginning before January 1, 1982) if there are two or more qualifying individuals with respect to the taxpayer at any one time during the taxable year.

For example, a calendar year taxpayer whose only qualifying individual reaches age 15 on April 1, 1982, is subject for 1982 to the entire annual dollar limit of $2,400, without proration of the $2,400 limit. However, only expenses incurred prior to the child's 15th birthday may be employment-related expenses.

(b) *Earned income limitation.* * * *

(3) *Special rule for spouse who is a student or incapable of self-care.* (i) For purposes of this section, a spouse is deemed, for each month during which the spouse is a full-time student or is a qualifying individual described in § 1.44A-1(b)(1)(iii), to be gainfully employed and to have earned income of not less than—

(A) $200 ($166 for taxable years beginning before January 1, 1982) if there is one qualifying individual with respect to the taxpayer at any one time during the taxable year, or

(B) $400 ($333 for taxable years beginning before January 1, 1982), if there are two or more qualifying individuals with respect to the taxpayer at any one time during the taxable year.

However, in the case of any husband and wife, this subparagraph shall apply with respect to only one spouse for any one month.

* * * * *

(4) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). During the 1982 taxable year. A, a married taxpayer, incurs and pays employment-related expenses of $4,000 for the care of a qualifying individual. A's earned income for the taxable year is $20,000 and his wife's earned income is $1,500. Under these circumstances, the amount of employment-related expenses for the year which may be taken into account under § 1.44A-1(a) is $1,500, determined as follows:

Employment-related expenses incurred during taxable year ($4,000, but limited to $2,400 by paragraph (a)(1) of this section), ... $2,400

Application of paragraph (b)(1)(ii) of this section (employment-related expenses, may not exceed wife's earned income of $1,500 . . . . . $1,500

Employment-related expenses taken into account $1,500

Example (2). Assume the same facts as in example (1) except that A's wife is a full-time student for nine months of the taxable year and earns no income for the year. Under these circumstances, the amount of employment-related expenses for the year which may be taken into account under § 1.44A-1(a) is $1,800, determined as follows:

Employment-related expenses incurred during taxable year ($4,000, but limited to $2,400 by paragraph (a)(1) of this section $2,400

Application of paragraph (b)(3) of this section [employment-related expenses may not exceed wife's earned income of $1,800 (200×9) . . $1,800

Employment-related expenses taken into account $1,800

Par. 3. Paragraph (b) of § 1.44A-4 is amended by revising examples (1) and (3) to read as follows:

§ 1.44A-4 Other special rules relating to employment-related expenses.

* * * * *

(b) *Expenses qualifying as medical expenses.* * * *

Example (1). In 1982, a calendar year taxpayer incurs and pays $5,000 of employment-related expenses during the taxable year for the care of his child when the child is physically incapable of self-care. These expenses are incurred for services performed in the taxpayer's household and are of a nature which qualify as medical expenses under section 213. The taxpayer's adjusted gross income for the taxable year is $100,000. Of the total expenses, the taxpayer may take $2,400 into account under section 44A; the balance of the expenses, or $2,600, may be treated as medical expenses to which section 213 applies. However, this amount does not exceed 3 percent of the taxpayer's adjusted gross income for the taxable year and is thus not allowable as a deduction under section 213.

* * * * *

Example (3). In 1982, a calendar year taxpayer incurs and pays $12,000 of employment-related expenses during the taxable year for the care of his child. These expenses are incurred for services performed in the taxpayer's household, and they also qualify as medical expenses under section 213. The taxpayer's adjusted gross income for the taxable year is $18,000. The taxpayer takes $2,400 of such expenses into account under section 44A. The balance, or $9,600, he treats as medical expenses for purposes of section 213. The allowable deduction under section 213 for the expenses is limited to the excess of the balance of $9,600 over $540 (3 percent of the taxpayer's adjusted gross income of $18,000), or $9,060.

(This Treasury decision is issued under the authority contained in sections 44A(g) and 7805 of the Internal Revenue Code of 1954 (90

Stat. 1565, 26 U.S.C. 44A(g); 68A Stat. 917, 26 U.S.C. 7805).)

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: March 13, 1984.

John E. Chapoton,
Assistant Secretary of the Treasury.

[FR Doc. 84-11500 Filed 4-26-84; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11 84-46]

Special Local Regulations: U.S. Olympic Sailing Trials

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the U.S. Olympic Trials in Long Beach, California. This event will be held on 28 April 1984 through 22 June 1984 in Long Beach Harbor and San Pedro Bay. This marine event may generate an accumulation of spectators and impose a restriction on vessel traffic during the period set forth, therefore, these regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on 28 April 1984 and terminate on 22 June 1984.

FOR FURTHER INFORMATION CONTACT: LTJG Jorge Arroyo, Commander (bb), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822, (213) 590-2331.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has been published for regulations concerning Olympic and Pre-Olympic marine events in Southern California, and the comment period is still open. However, the regulations for this particular event are being made effective in less than 10 days from the date of publication. The final course determination for this event was not agreed upon until 16 April 1984, therefore, there was not sufficient time to allow an extensive comment period in advance of this event or to provide for a delayed effective date. However, interested persons wishing to comment are encouraged to do so by submitting written comments to the office listed under "FOR FURTHER INFORMATION CONTACT" in this preamble. Commenters should include their name and address, identify this notice CGD11 84-46, and give reasons for their comments. Based on comments received, the regulations may be changed.

Drafting Information

The drafters of this regulation are LTJG Jorge Arroyo, Project Officer, Chief, Boating Affairs Branch, Eleventh Coast Guard District, and LT Joseph R. McFaul, Project Attorney, Legal Officer, Eleventh Coast Guard District.

Discussion of Regulation

The United States Olympic Yachting Committee of the United States Yacht Racing Union (USYRU) will conduct the U.S. Olympic Trials to select our representatives for the Summer Games. Events will be sailed over closed courses in four separate racing areas (Alpha, Bravo, Charlie and Delta) involving seven different class vessels.

These qualifying trials will take place in four time periods, with races being conducted in only one venue area during each period set forth. Each period will have one to four lay days designated, these days may be used as a race day in the event of any weather postponements.

Vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

Final Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35-11-84-46 to read as follows:

§ 100.35-11-84-46 Long Beach, CA, U.S. Olympic Sailing Trials

(a) *Purpose.* (1) These temporary regulations are intended to manage the expected increase in traffic congestion and accumulation of spectator craft in the Ports of Los Angeles and Long Beach, San Pedro Bay, and the territorial waters of the United States during the period of 28 April 1984 through 22 June 1984.

(2) These regulations add to all existing regulations applicable to the affected areas, and do not replace or supercede any regulation in effect during the term of these temporary regulations.

(3) Upon written application and good cause shown, a waiver of any requirement set forth in this regulation may be granted.

(b) *Regulated Areas.* The following regulated areas may be closed intermittently to all vessel traffic during the times and dates listed under "EFFECTIVE DATES" (Reference National Ocean Service Chart No. 18749). Exact sailing venue areas for each race class are difficult to establish, since they will vary each race day due to weather conditions. However, they will not be extended beyond the boundaries listed below. The Coast Guard Regatta Patrol boats will mark and control access to the exact race course areas on each day.

(1) Area Alpha; That portion of Long Beach Outer Harbor bounded by a point 750 yards due east of the western end of the Long Beach breakwater, continuing to the east end, then due north to the western marker of Oil Island Chaffee, then northwest to Latitude: 33-43 N, Longitude; 118-09 W, then southeast to the southern marker of Oil Island Chaffee and back to the point 750 yards due east of the western end of the Long Beach breakwater.

(2) Areas Bravo, Charlie and Delta will be in an area bounded by the following coordinates:

B1 33-42-00N 118-09-41W
B2 33-43-08N 118-08-38W
B3 33-42-24N 118-07-06W
C1 33-42-57N 118-06-29W (Buoy R "2" Entrance Anaheim Bay)
C2 33-43-25N 118-06-06W
C3 33-42-45N 118-04-40W
C4 33-41-24N 118-04-11W
D1 33-40-45N 118-04-58W
D2 33-38-02N 118-03-47W
D3 33-37-55N 118-06-04W
D4 33-38-38N 118-07-37W

(c) *Effective Dates.* From 10:00 a.m. to 6:00 p.m. each day.

(1) Area Bravo: Finn/470 classes—April 28-May 1 and May 6-11,

(2) Area Charlie: Star/Soling classes—May 12-15 and May 20-25,

(3) Area Delta: Tornados/Flying Dutchman classes—May 29-June 2 and June 6-11,

(4) Area Alpha: Windglider class—June 12-16 and June 18-22.

(d) *Special Local Regulations.* (1) No vessels, other than participants, U.S. Coast Guard operated and employed small craft, public vessels, state and local law enforcement agencies and the sponsor's vessels shall enter the regulated areas during the periods set forth for each event, unless cleared for such entry by or through a patrolling law enforcement vessel, or an event committee boat.

(2) No vessel may block, loiter in, or impede the through transit of participants, event committee boats and/or law enforcement vessels in any

charted approach, channel entrance, channel, harbor, or basin.

(3) When hailed by Coast Guard or Coast Guard Auxiliary vessels partrolling the event area, a vessel shall come to an immediate stop. Vessels shall comply with all directions of the designated Coast Guard Regatta Patrol.

(4) These regulations are temporary in nature and shall cease to be in effect or further enforced at the end of each period set forth.

(46 U.S.C. 454; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b); 33 CFR 100.35)

Dated: April 20, 1984.

J. F. Culbertson,

Captain, U.S. Coast Guard, Commander, Eleventh Coast Guard District Acting.

[FR Doc. 84-11270 Filed 4-26-84; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Docket No. AM500WV; A-3-FRL 2573-8]

Approval and Promulgation of Implementation Plans; Approval of Revision of the State of West Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA announces approval of a revision to the West Virginia State Implementation Plan (SIP). This action is based on the State's request to approve the revision which meets the requirements of the Clean Air Act. The revision is intended to establish an Ambient Air Quality Monitoring Network under 40 CFR Part 58.

EFFECTIVE DATE: This action will be effective on June 26, 1984 unless notice is received by May 29, 1984 that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the revision and associated support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III (3AM11), Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106, ATTN: Michael Giuranna.

West Virginia Air Pollution Control Commission, 1558 Washington Street, East Charleston, W VA 25311, ATTN: Don R. Richardson, Chairman.

Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

Public Information Reference Unit, Room 2922-EPA Library, U.S. Environmental Protection Agency, 401 M Street SW. (Waterside Mall), Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Michael Guiranna at the EPA Region III address above, or call (215) 597-9189.

SUPPLEMENTARY INFORMATION: On November 4, 1983, the State of West Virginia submitted to the Regional Administrator, EPA Region III, a revision of the West Virginia State Implementation Plan (SIP). This section of the SIP consists of provisions which meet the new requirements for monitoring air quality which are in 40 CFR 58.20 (Air Quality Surveillance: Plan Content). The air quality surveillance network which will be established, as provided in this SIP revision, will consist of the present network with certain modifications and additions. The provisions of this submittal are intended as a supplement to existing provisions and are not intended to revoke or suspend any previous submittals.

The network will measure ambient levels of "criteria pollutants" or those pollutants for which National Ambient Air Quality Standards (NAAQS) have been established by EPA.

The process of network design was carried out as required by Appendix D of 40 CFR Part 58.

The major changes to the prior network upon plan completion will be to:

a. Eliminate ten (10) Sulfur Dioxide bubblers (Pararosaniline method), and eighteen (18) tape samplers from the network. All remaining Sulfur Dioxide bubblers have been or will be temperature controlled to meet EPA requirements. Several of the TSP samplers which are now being operated have been incorporated into the SIP network as NAMS/SLAMS or as special purpose monitors. At SIP network completion (NAMS/SLAMS) there will be a total of twenty-seven (27) TSP samplers; a maximum of twelve (12) TSP Special Purpose Monitors; a maximum of ten (10) Sulfur Dioxide bubblers (Pararosaniline method) and two (2) tape samplers.

b. Two (2) continuous ambient ozone analyzers (Chemiluminescence) have been added to the two (2) currently existing ozone analyzers (Chemiluminescence). A total of five (5) continuous ambient ozone analyzers will be in operation at the completion of the network.

c. Two (2) old Carbon Monoxide analyzers have been replaced with two (2) EPA approved and designated ambient Carbon Monoxide (infrared) and two (2) ambient Carbon Monoxide analyzers (infrared) have been or will be added making a total of four (4) stations at network completion.

d. Three (3) continuous EPA approved ambient Nitrogen Dioxide analyzers (Chemiluminescence) have been added to the currently existing two (2) ambient Nitrogen Dioxide analyzers (Chemiluminescence) making a total of five (5) stations at network completion.

e. Three (3) continuous ambient Sulfur Dioxide analyzers (Coulometric) have been replaced with three (3) EPA approved and designated continuous ambient Sulfur Dioxide analyzers (Fluorescent) and seven (7) EPA approved and designated continuous ambient Sulfur Dioxide analyzers (Fluorescent) have been added to the network. A total of thirteen (13) continuous Sulfur Dioxide monitors will be in the completed network.

A full description of the monitoring network is on file for public inspection between the hours of 8:30 a.m. and 4:45 p.m., Monday through Friday excluding legal State holidays, at the office of the Commission, located at 1558 Washington Street, East Charleston, West Virginia.

The network description includes the following for each station in the air quality surveillance network.

a. The SAROAD site identification form;

b. The identity of the monitoring method or analyzer;

c. The identity of any necessary method of sample analysis;

d. The sampling schedule;

e. The monitoring objective;

f. The spatial scale of representativeness.

Also on file for public inspection will be a schedule for:

a. Locating and/or placing into operation any station which is not operating or located correctly on November 4, 1983.

b. Implementing quality assurance procedures for any station for which those procedures are not implemented by November 4, 1983.

Each station in the air quality surveillance network provided for by this SIP and described in the network description will be termed a State and Local Air Monitoring Station (SLAMS). A portion of the stations in the (SLAMS) Network will be designated as National Air Monitoring Stations (NAMS) to comply with EPA Regulations. Any other air monitoring station operated by

the State of West Virginia which is not necessary for inclusion in the SIP network will be termed a Special Purpose Monitor (SPM) station.

As required by 40 CFR Part 58 all stations in the Commission's SLAMS network are operated in accordance with the criteria established by Subpart B of 40 CFR Part 58. Each SLAMS has been sited in accordance with the siting parameters contained in Appendix E to 40 CFR Part 58.

Each continuous analyzer in a SLAMS is operated on a continuous basis and data gathered as hourly averages. Each manual method will be operated for a full 24-hour period at six day intervals.

All methods used in SLAMS are reference or equivalent methods as defined by EPA in § 50.1 of 40 CFR Part 50. Methods used by the Commission in its SLAMS network include:

a. Chemiluminescence continuous ambient analyzers for NO_2;

b. Chemiluminescence continuous ambient analyzers for O_3;

c. Infrared continuous ambient analyzers for CO;

d. Chopped Fluorescent continuous ambient analyzer for SO_2;

e. The Pararosaniline Method Manual for SO_2; and

f. TSP Manual High-Volume sampler.

The quality assurance procedures for Appendix A to 40 CFR Part 58 are followed when operating the SLAMS network and processing air quality data.

The concept of episode monitoring involves daily monitoring in order to determine when ambient pollution levels reach concentrations corresponding to an air quality episode and monitoring during episodes to maintain surveillance of the situation. The State of West Virginia will operate SLAMS for declaring and monitoring episodes for CO, SO_2, NO_2, O_3, and particulate matter in the cities of Wheeling and Charleston. At least one episode station for each of the five pollutants noted above will be operated in those cities. The episode station will use the following methods operated on a continuous basis:

a. NO_2 Chemiluminescence analyzer (Bendix 8101–C);

b. SO_2 Chopped Fluorescent (Beckman 953) (Monitor Labs 8850);

c. O_3 Chemiluminescence analyzer (Bendix 8002); and

d. CO Infrared analyzer (Beckman 866).

Each SLAMS that is designated as an episode monitoring station is identified in the description of the SLAMS network which is on file. In general, the stations are located in areas of highest expected pollutant concentrations, or more than one station per pollutant may be located in an area in an effort to better determine air quality.

One of the following three methods is used to provide adequate surveillance of monitoring data from episode stations in order that episode level concentrations be detected on a real time basis:

a. Certain stations may be serviced more than once daily.

b. Certain stations will be serviced daily.

c. Certain more remote stations will be visited when forecasts indicate the possibility of an episode.

Data from all SLAMS for an entire calendar year is to be summarized and submitted to EPA by July 1 of the following year. The values determined and reported will be those values indicated in Appendix F to 40 CFR Part 58. Other information as required by Appendix F will also be reported in the annual report.

The Commission will operate monitoring stations other than those in the SLAMS network. These other stations will be termed Special Purpose Monitor Stations (SPM) and will be used to supplement the SLAMS monitoring or other commission purposes such as determining the effect of point sources, method research, and determining acceptable growth patterns.

If data from SPM stations are to be used for SIP purposes such as support for control strategies, determination of attainment/nonattainment, or model validation:

a. The method used will be a method which is acceptable for use in a SLAMS as determined by Appendix C to 40 CFR Part 58,

b. Sampling will be continuous for automated methods or at least one sample every six days for manual methods,

c. The monitor will be sited in accordance with siting parameters of Appendix E to 40 CFR Part 58, and

d. The quality assurance procedures of Appendix A to 40 CFR Part 58 will be followed.

Beginning on the first of March of each year, the West Virginia Air Pollution Control Air Quality Division will review the air quality surveillance network to determine if there is a SLAMS in every location from which there is a need for ambient air quality data or if all the stations in the SLAMS network are necessary. A report of the findings will be submitted to EPA Region III by July 1 of each year along with a schedule to add stations to the SLAMS network, to relocate stations, or to eliminate stations as the case may be. The determination of the need to add, relocate, or delete stations will be based on the network design criteria in or referenced in Appendix D to 40 CFR Part 58 or on the needs of the APCC.

The State of West Virginia delegates the authority to operate and maintain SLAMS stations in The City of Wheeling to the Wheeling Department of Air Pollution Control.

The public is advised that this action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days from today that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

EPA Action/Evaluation

There are no policy issues involved with this revision other than the basis for the Administrator's approval; i.e., whether the revision submitted by the State of West Virginia meets the criteria of Section 110(a)(2) of the Clean Air Act and 40 CFR 51.4, Public Hearings; § 51.5, Submittal of Plans; preliminary review of plants, § 51.6 Revisions; and § 51.11, Legal Authority.

The revision submitted by the State of West Virginia meets the criteria of Section 110(a)(2) of the Clean Air Act and 40 CFR 51.4, 51.5, 51.6, and 51.11.

In view of this evaluation, the Administrator approves the above described revision to the State of West Virginia SIP, which is intended to establish an Ambient Air Quality Monitoring System or SLAMS.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

Under 5 U.S.C. Section 605(b), I certify that SIP approvals do not have a significant economic impact on a substantial number of small entities.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings

brought by EPA to enforce these requirements.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Authority: Secs. 110 and 301 of the Clean Air Act.

Dated: April 19, 1984.

William D. Ruckelshaus,
Administrator.

PART 52—[AMENDED]

Part 52 of Title 40, Code of Federal Regulations is Amended as follows:

Section 52.2520 is amended by adding paragraph (c)(21) to read as follows:

Subpart XX—West Virginia

§ 52.2520 Identification of plan.

* * * * *

(c) * * *

(21) A revision submitted by the State of West Virginia on November 4, 1983 which establishes an Ambient Air Quality Monitoring Network.

[FR Doc. 84-11248 Filed 4-26-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 60

[AD-FRL 2484-8]

Standards of Performance for New Stationary Sources; Synthetic Fiber Production Facilities

Correction

In FR Doc. 84-9072 beginning on page 13646 in the issue of Thursday, April 5, 1984, make the following corrections.

1. On page 13651, § 60.601(a) second column, third line, under the definition for "Solvent feed", "precipitation system" should read "preparation system".

2. On page 13652, first column, § 60.603, paragraph (b)(1), sixth line from the bottom, the comma after "recorded" should be a period; in the second column, under § 60.603, paragraph (b)(2) and (b)(2)(i), in the six places where "mg" appears, it should read "Mg".

BILLING CODE 1505-01-M

40 CFR Part 60

[A-2-FRL 2575-4]

Standards of Performance for New Stationary Sources Delegation of Authority to the Commonwealth of Puerto Rico

AGENCY: Environmental Protection Agency.

ACTION: Notice of Delegation of Authority.

SUMMARY: This notice announces the delegation of authority by the Environmental Protection Agency to the Commonwealth of Puerto Rico to implement and enforce additional source categories of the Standards of Performance for New Stationary Sources (NSPS). This delegation was requested by the Puerto Rico Environmental Quality Board (EQB).

NSPS is an air pollution control requirement set under the Clean Air Act. NSPS are applicable to certain categories of new air pollution sources.

EFFECTIVE DATE: This action was effective March 20, 1984.

FOR FURTHER INFORMATION CONTACT: Francis W. Giaccone, Chief, Air Compliance Branch, Air & Waste Management Division, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-9627.

SUPPLEMENTARY INFORMATION: Section 111(c) of the Clean Air Act directs the Administrator of the Environmental Protection Agency (EPA) to delegate EPA's authority to implement and enforce Standards of Performance for New Stationary sources (NSPS) to any state which has submitted adequate procedures. Nevertheless, the administrator still retains concurrent authority to enforce the standards following delegation of authority to a state.

On February 16, 1984 EPA notified EQB of four newly promulgated NSPS and revisions and amendments to existing NSPS and NESHAPS promulgated between June 10, 1983 and December 31, 1983, in accordance with the EPA/EQB delegation agreement dated July 20, 1983. EQB accepted delegation of the newly promulgated NSPS and revisions and amendments to existing NSPS and NESHAPS in a letter dated March 8, 1984 from the chairman of the EQB to the Regional Administrator, Region II. The following provides a complete listing of NSPS delegated to the EQB. The new categories now being delegated by today's action are identified with an asterisk (*). All revisions and amendments to the existing NSPS and NESHAPS from June 10, 1983 to December 31, 1983 are included here by reference.

D Fossil-Fuel Fired Steam Generators for Which Construction Commenced After August 17, 1971 (Steam Generators and Lignite Fired Steam Generators)
Da Electric Utility Steam Generating Units for Which Construction Commenced After September 18, 1978
E Incinerators
F Portland Cement Plants
G Nitric Acid Plants
H Sulfuric Acid Plants
I Asphalt Concrete Plants
J Petroleum Refineries—(Process Gas Combustion, Catalytic Regenerators)
J Petroleum Refineries—(Sulfur Recovery)
K Storage Vessels for Petroleum Liquids Constructed After 6/11/73 prior to 5/19/78.
Ka Storage Vessels for Petroleum Liquids Constructed After May 18, 1978
L Secondary Lead Smelters
M Secondary Brass and Bronze Ingot Production Plants
N Iron and Steel Plants
O Sewage Treatment Plants
P Primary Copper Smelters
Q Primary Zinc Smelters
R Primary Lead Smelters
S Primary Aluminum Reduction Plants
T Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants
U Phosphate Fertilizer Industry: Superphosphoric Acid Plants
V Phosphate Fertilizer Industry: Diammonium Phosphate Plants
W Phosphate Fertilizer Industry: Triple Superphosphate Plants
X Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
Y Coal Preparation Plants
Z Ferroalloy Production Facilities
AA Steel Plants: Electric Arc Furnaces
BB Kraft Pulp Mills
CC Glass Manufacturing Plants
DD Grain Elevators
EE Surface Coating of Metal Furniture
GG Stationary Gas Turbines
HH Lime Plants
QQ Graphic Art Industry Publication Rotogravure Printing
*RR Pressure Sensitive Tape and Label Surface Coating Operations
UU Asphalt Processing and Asphalt Roofing Manufacture
*VV Equipment Leaks of Volatile Organic Compounds in Synthetic Organic Chemical Manufacturing Industry
*WW Beverage Can Surface Coating Industry
*XX Bulk Gasoline Terminals

EPA's Findings

EPA's determination of approvability of delegations is based on the Agency's review of the Puerto Rico Public Policy Environmental Act, Law No. 9 of 1970, 12 L.P.R.A. Sec. 1121, et seq. and on the Puerto Rico Regulation for the Control of Atmospheric Pollution. Based on that review, EPA determined that such delegation is appropriate and so notified the Chairman of the EQB, in a letter dated July 20, 1983. This letter identified the conditions under which delegation would be approved. EQB subsequently accepted delegation of the additional categories in a letter dated March 8, 1984. Copies of all correspondence and EPA's delegation letter are available for public inspection in the Office of the Air Compliance Branch at the Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Consequences of EPA's Action

Effective March 20, 1984, all correspondence, reports and notifications required by the delegated NSPS should be submitted to the Offices of the Puerto Rico Environmental Quality Board located at P.O. Box 11488, Santurce, Puerto Rico, 00910, Attention: Air Quality Area Director.

The Office of Management and Budget has exempted this action from the requirements of section 3 of Executive Order 12991.

This Notice is issued under the authority of section 111 of the Clean Air Act, as amended (42 U.S.C. Section 7411).

Dated: April 9, 1984.

Jacqueline E. Schafer,

Regional Administrator.

[FR Doc. 84-11422 Filed 4-26-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF ENERGY

41 CFR Part 9-1

Amendment to the DOE Procurement Regulations; Corrections

AGENCY: Energy Department.

ACTION: Final rule; corrections.

SUMMARY: This document corrects errors in a final rule amending the DOE Procurement Regulations published at 48 FR 33642, July 22, 1983.

EFFECTIVE: These corrections will be effective April 27, 1984.

ADDRESS: Comments, if any, should be addressed to the Department of Energy, Procurement Policy Branch, MA-421.1, Forrestal Building, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Pamela A. Bolling, Procurement Policy Branch, Department of Energy, (202) 252-9739.

Issued in Washington, D.C. on April 24, 1984.

Thomas J. Davin, Jr.,

Deputy Director, Procurement and Assistance Management Directorate.

The following corrections are made at FR Doc. 83-33642, published July 22, 1983.

(1) On page 33642, the first column, the table of contents to Subpart 9-1.52—Women-Owned Business Concerns, should be renumbered. The corrected text should read:

Subpart 9-1.53—Women-Owned Business Concerns

Sec.

9-1.5300 Scope of subpart.

9-1.5301 Subcontracting program clause.

(2) On page 33642, the first column, the text of the subpart should be renumbered. Corrected section headings should read:

Subpart 9-1.53—Women-Owned Business Concerns

§ 9-1.5300 Scope of subpart.

* * * * *

§ 9-1.5301 Subcontracting program clause.

* * * * *

[FR Doc. 84-11497 Filed 4-26-84; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 20

Employee Responsibilities and Conduct

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: This notice announces an amendment to the regulations governing Employee Responsibilities and Conduct as contained in Part 20 of Title 43 CFR.

EFFECTIVE DATE: May 29, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Gabriele J. Paone or Mr. Mason Tsai, Departmental Ethics and Audit Coordination Staff, U.S. Department of the Interior, Washington, D.C. 20240 (202) 343-3932.

SUPPLEMENTARY INFORMATION: The Department of the Interior has determined that the word "substantial" as used in § 20.735-24(a)(4) should not be defined by cross-reference to the definition in 43 CFR 20.735-21(b)(5). The basis for this determination is that the imposition of the prohibition applicable to interests in Federal lands should be premised on the commonly accepted definition for "substantial" including such meanings as significantly large or considerable in quantity or dollar-value. The current cross-reference to § 20.735-21(b)(5) makes the application of the prohibition on interests in Federal lands more restrictive by requiring in addition to the dollar amount the further consideration of the employee's official duties or position in the Department. Therefore, the cross-reference for the word "substantial" appearing in § 20.735-24(a)(4)(ii) is deleted.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The rule only affects a limited number of employees in the Department of the Interior.

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The primary authors of this final rule are Gabriele J. Paone, Deputy Agency Ethics and Audit Coordination Official and Mason Tsai, Assistant Agency Ethics Official.

The Administrative Procedure Act excepts from its notice-and-comment requirements, rules related to agency management or personnel. While it is the policy of the Department of the Interior to nonetheless consider soliciting public comment on such rules, it has been determined that public comment on this rule is unnecessary because it tightens the definition of substantial, returns the language in effect until February 21, 1984, and only affects a limited number of employees in the Department of the Interior.

List of Subjects in 43 CFR Part 20

Conflicts of interest, Government employees.

Accordingly, under the authority of 5 U.S.C. 301, 43 CFR Part 20 is amended as follows:

Dated: April 20, 1984.

Richard R. Hite,

Principal Deputy Assistant Secretary, Policy, Budget and Administration.

Section 20.735-24 is amended by revising paragraph (a)(4)(ii) to read:

§ 20.735-24 Interest in Federal Lands.

(a) * * *

(4) * * *

(ii) Substantial holdings of a spouse or dependent child.

* * * * *

[FR Doc. 84-11499 Filed 4-26-84; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

45 CFR Part 1386

Developmental Disabilities Program

AGENCY: Office of Human Development Services (HDS), Administration on Developmental Disabilities (ADD), HHS.

ACTION: Final rules; correction.

SUMMARY: This document corrects the final rule for the Developmental Disabilities Program published in the Federal Register of Tuesday, March 27, 1984 (45 FR 11772). This action is necessary to correct several deletions which inadvertently were omitted in the final document.

EFFECTIVE DATE: April 26, 1984.

FOR FURTHER INFORMATION CONTACT: Jean K. Elder, Ph.D., Commissioner, Administration on Developmental Disabilities, Room 336-E Hubert H. Humphrey Bldg., 200 Independence Avenue, SW., Washington, D.C. 20201, Telephone: (202) 245-2890.

SUPPLEMENTARY INFORMATION: The following corrections are made in the FR Doc. 84-8070 appearing on pages 11779 and 11780 in the issue of March 27, 1984:

1. On page 11779 in § 1386.4(b), remove the word "same" in lines seven and ten.

As corrected, paragraph (b) is revised to read as follows:

§ 1386.4 Eligibility for services.

* * * * *

(b) In addition, a person who met the definition of developmental disability as provided in Pub. L. 94-103 and who was actually receiving one or more services under the Act during the period October 1, 1968 through November 30, 1978, is eligible to continue to receive services, provided that person's Individual Habilitation Plan (IHP) indicates a continuing need for services.

2. On page 11780 in § 1386.23(a), remove the second sentence which reads: "Those items contained in the request for information submitted for approval to OMB."

As corrected, paragraph (a) is revised to read as set forth below. The introductory text is shown for the convenience of the reader.

§ 1386.23 Periodic reports.

In addition to the triennial report, the State Protection and Advocacy Agency must submit:

(a) An annual report describing the activities carried out under the system and any changes made in the system during the previous year and addresses such other items as prescribed by the Secretary and approved under the Paperwork Reduction Act. The report may be in the format of the State's choice.

(Approved by the Office of Management and Budget under control number 0980-0160 expiration date 12/31/86

* * * * *

3. On page 11780 in § 1386.24(b)(1), remove phrase "e.g., drawing wills and initiating or defending divorce actions."

As corrected, paragraph (b)(1) is revised to read as set forth below. The introductory text of paragraph (b) is shown for the convenience of the reader.

§ 1386.24 Federal financial participation: Allowable and nonallowable costs for Protection and Advocacy System.

* * * * *

(b) Federal financial participation is not allowable for:

(1) Costs incurred for activities on behalf of persons with developmental disabilities to solve problems not directly related to their disabilities and which are faced by the general populace; and

* * * * *

Approved: April 18, 1984.

Robert Sermier,

Deputy, Assistant Secretary for Management Analysis and Systems.

[FR Doc. 84-11454 Filed 4-26-84; 8:45 am]

BILLING CODE 4130-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 110, 111, 112, and 113

[CGD 83-067b]

Updates of References to 46 U.S.C. in 46 CFR Subchapter J

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Numerous general maritime shipping laws related to vessels and seamen were recently codified and enacted into positive law as Subtitle II of Title 46, United States Code (46 U.S.C. 2101 through 13110). The purpose of this final rule is to amend the authority citations and references in 46 CFR Subchapter J to conform with the changes to Title 46 U.S.C.

EFFECTIVE DATE: April 27, 1984.

FOR FURTHER INFORMATION CONTACT: Eugene Holler, Project Manager, Office of Merchant Marine Safety, 202-426-2197.

SUPPLEMENTARY INFORMATION: Pub. L. 98-89, August 26, 1983, revised and consolidated over 300 statutes related to vessel inspections, marine casualties, licenses and documents issued to seamen, manning of vessels, seamen protection and relief, identification of vessels and state boating safety programs. In their place Pub. L. 98-89 enacted an organized statement of the law concerning marine safety and the welfare of seamen as Subtitle II of Title 46 U.S.C. The revision and consolidation did not substantially affect the authority of the Coast Guard to promulgate regulations covered by this final rule. Regulations in effect under a statute repealed by Pub. L. 98-89 continue in effect under the corresponding provision of Pub. L. 98-89. The repeal of so many of the older statutes by the enactment of Pub. L. 98-89, however, makes it desirable to amend Title 46 of the Code of Federal Regulations where citations or references are made to Title 46 U.S.C.

This rule amends 46 CFR Subchapter J by changing the citations and references therein to conform with the changes to Title 46 46 U.S.C. Citations and references to statutes repealed by Pub. L. 98-89 are replaced with citations and references to the corresponding parts of Pub. L. 98-89. Amendments for correcting the citations and references in other subchapters of Title 46 CFR will be published as they are developed.

Because this amendment is merely editorial, the Coast Guard finds that notice and comments under 5 U.S.C. 553(b) are unnecessary. This revision is effective immediately under 5 U.S.C 553(d) because it is not a substantive rule.

This amendment is promulgated under 46 U.S.C. 2103, 2104(a), 3306, 3703, 3714, 4104, 4302, 6101, 6301, 7101, 7701, 8101, 8105, 9102, 10104, 12121, 13109; 49 CFR 1.4(b)(1)(ii), and 1.46. This amendment is strictly limited to updating citations and it is not to be interpreted or understood as a direct or indirect repromulgation, reaffirmation, revision or approval of the current CFR text. While every effort has been made to check the accuracy of each citation this is not a final determination of the applicability of any citations to any regulations. These

issues will be addressed gradually in the scheduled review of all existing regulations.

Drafting Information

The principal persons involved in drafting this document are Eugene Holler, Project Manager, Office of Merchant Marine Safety, and Michael N. Mervin, Project Counsel, Office of the Chief Counsel.

Regulatory Evaluation

This final rule is considered to be non-major under Executive Order 12291 and non-significant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this final rule has been found to be so minimal that further evaluation is unnecessary. This rulemaking merely corrects the citations and references to Title 46 U.S.C. There is no change to current Coast Guard regulations or procedures.

Regulatory Flexibility Evaluation

Since the impact of this final rule is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects

46 CFR Part 110

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 111

Vessels.

46 CFR Part 112

Vessels.

46 CFR Part 113

Communications equipment, Fire prevention, Vessels.

In consideration of the foregoing, the Coast Guard hereby amends Subchapter J of Chapter I of Title 46 Code of Federal Regulations as set forth below.

PART 110—GENERAL PROVISIONS

1. The authority citation following the table of contents is revised to read as follows:

Authority: 46 U.S.C. 2104; 2113; 3301; 3306; 3318; 3703; 4104; 49 CFR 1.46 (b) and (n).

2. Section 110.15-1(b)(15) is amended by removing the words "Title 52 of the Revised Statutes as amended" and inserting in their place "Title 46 U.S.C."

PART 111—ELECTRIC SYSTEMS—GENERAL REQUIREMENTS

3. The authority citation following the table of contents is revised to read as follows:

Authority: 46 U.S.C. 2104; 2113; 3301; 3306; 3318; 3703; 4104; 49 CFR 1.46 (b) and (n).

PART 112—EMERGENCY LIGHTING AND POWER SYSTEMS

4. The authority citation following the table of contents is revised to read as follows:

Authority: 46 U.S.C. 2104; 2113; 3301; 3306; 3318; 3703; 4104; 49 CFR 1.46 (b) and (n).

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

5. The authority citation following the table of contents is revised to read as follows:

Authority: 46 U.S.C. 2104; 2113; 3301; 3306; 3318; 3703; 4104; 49 CFR 1.46 (b) and (n).

Dated: April 23, 1984.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 84-11277 Filed 4-26-84; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 83-540]

Amendment of the Commission's Rules to Reflect a Reorganization of the Office of General Counsel

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Office of General Counsel has restructured its Administrative Law Division and renamed it the Legal Counsel Division. Additionally, the Legal Counsel Division assumes the legislative support functions previously assigned to a specialized staff which reported directly to the General Counsel. These actions were taken to promote operational efficiency by increasing the flexibility of the General Counsel in responding to fluctuations in workload, thus assuring better utilization of staff.

EFFECTIVE DATE: November 30, 1983.

FOR FURTHER INFORMATION CONTACT: Richard D. Goodfriend, (202) 632-7513.

SUPPLEMENTARY INFORMATION: CFR Index terms—Organization and functions (government agencies).

This document was never published in the Federal Register. The effective date of November 30, 1983 is correct and not a typographical error.

Order

In the matter of Amendment of Part 0 of the Commission's Rules to reflect a reorganization of the Office of General Counsel.

Adopted: November 16, 1983.

Released: December 2, 1983.

By the Commission.

1. The Commission has under consideration proposed changes in the organization of the Office of General Counsel. Implementation of the proposed changes would require amendment to § 0.42 of the Commission's Rules and Regulations.

2. To promote operational efficiency, the Commission is hereby approving the internal restructuring of the Administrative Law Division, to be renamed the Legal Counsel Division, within the Office of General Counsel. The Legal Counsel Division will retain all present functions of the Administrative Law Division and will be divided into three branches, Mass Media, Common Carrier-Private Radio, and Administrative Law, all of which will have specific program area responsibilities. Additionally, the Legal Counsel Division will assume the legislative support functions presently assigned to a specialized staff unit reporting directly to the General Counsel. These changes are necessary to increase the flexibility of the General Counsel in responding to fluctuations in workload and assure greater utilization of staff and available resources. Part 0 of the Rules and Regulations, which describes the organization of the Commission, is being amended to reflect these changes.

3. The amendments adopted herein pertain to agency organization. The prior public notice and comment procedures and effective date provisions of Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are therefore inapplicable. Authority for the amendments adopted herein is contained in sections 4(i) and 5(b) of the Communications Act of 1934, as amended.

4. In view of the foregoing, it is ordered, effective November 30, 1983, that Part 0 of the Rules and Regulations is amended as set forth in the Appendix hereto.

Federal Communications Commission.
William Tricarico,
Secretary.

Appendix

PART 0—[AMENDED]

Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations is hereby amended as indicated below.

Section 0.42 is revised to read:

§ 0.42 Units in the Office.

The Office of General Counsel is structured into the following units:

(a) Immediate Office of the General Counsel.
(b) Litigation Division.
(c) Legal Counsel Division.
(d) Adjudication Division.

[FR Doc. 84-11354 Filed 4-26-84 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Parts 2 and 73

[Docket No. 21323; RM-2836; FCC 84-116]

The Use of Subcarrier Frequencies in the Aural Baseband of Television Transmitters

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends Parts 2 and 73 of the Commission's Rules to allow expanded use of subcarriers in the aural baseband of television stations; including, but not limited to, Stereophonic Sound Transmission, additional audio program channels, private radio and common carrier activities.

This action will allow television broadcasters: (1) To more fully utilize an existing commercial resource available on their television aural transmitters, and (2) provide increased services to the public.

DATES: Effective May 7, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Ralph A. Haller, Mass Media Bureau, (202) 632-9660.

List of Subjects

47 CFR Part 2

Communications equipment.

47 CFR Part 73

Radio broadcast.

Second Report and Order

In the matter of the use of subcarrier frequencies in the aural baseband of television transmitters; Docket No. 21323, RM-2836.

Adopted: March 29, 1984.
Released: April 23, 1984.

By the Commission. Commissioner Rivera dissenting in part; Commissioner Patrick concurring in part.

Introduction

1. The Commission has under consideration a *Further Notice of Proposed Rule Making (Further Notice)* adopted on July 28, 1983, and the comments and reply comments filed in response thereto, concerning a proposal to further expand the permissible uses of the television aural baseband. In this phase of the proceeding we consider the terms under which the television aural baseband may be used for television stereophonic sound, second language programing and any other broadcast or non-broadcast uses.

Background

2. This proceeding was initiated in 1977 in response to a petition filed by Boston Broadcasters, Inc. (BBI) that requested amendment of Part 73 of the Commission's Rules to allow TV station licensees to use a TV aural baseband subcarrier for cueing and coordinating electronic news-gathering crews in the field. As a result, a *Notice of Inquiry* was adopted on July 1, 1977, in which the Commission noted that other uses, such as TV stereophonic sound, bilingual programing and augmented audio for the blind could be equally worthwhile. The comments submitted in response to the *Notice of Inquiry* were enthusiastic about using the TV aural baseband for certains operational purposes. Accordingly, on November 20, 1979, the Commission adopted a *Notice of Proposed Rule Making* which proposed to allow limited use of the TV aural baseband for electronic news gathering (ENG) and coordination and TV transmitter telemetry functions. The proposed rules were adopted on June 30, 1981; but, the Commission deferred action on a request made in the comments that the maximum aural carrier deviation be increased above the current limit of +/−25 kHz, thus holding the proceeding open.

3. In the meantime, the Electronic Industries Association (EIA), under the auspices of its Broadcast Television Systems Committee (BTSC), formed a Multichannel Sound Subcommittee (MSS) to ascertain the practicality of various program-related uses of the TV aural baseband and to develop appropriate technical standards for consideration by the FCC. EIA's considerations included a stereophonic sound channel, a second audio program (SAP) channel, and other multi-purpose subcarrier channels. In December 1983, EIA's efforts culminated in the selection of one of three competing multichannel television sound (MTS) transmission system, and one of three competing audio compandoring systems (for noise reduction). The industry selected the MTS transmission system developed by Zenith, Inc. and the audio compandoring system developed by dbx, Inc. In its comments in this proceeding, the EIA refers to the combination of these systems as the BTSC system.

4. For the past several years, the Commission has received an increasing number of inquiries from the public concerning the future availability of TV stereophonic sound. This interest likely has been stimulated by recent marketing of video disc and cassette equipment capable of reproducing stereophonic sound from pre-recorded video records and tapes. Accordingly, in response to the interest, the Commission adopted a *Further Notice of Proposed Rule Making (Further Notice)* on July 28, 1983, directed to this issue.[1] However, the scope of the *Further Notice* was not confined to the MTS issue alone. Using its action in the FM subcarrier proceeding (BC Docket 82-536) as a precedent, the Commission proposed to allow the TV aural baseband to be used for virtually any broadcast or non-broadcast purpose, subject to appropriate regulatory classification of such use.[2]

Issues

5. The *Further Notice* presented a number of issues for comment. The issues included:

1. Should the Commission adopt a single MTS standard, specifically the BTSC system recommended by industry, or adopt general technical standards relating to TV aural subcarrier use? Further, to what extent should MTS standards and equipment lead to reception of the aural portions of subscription television (STV) signals by the non-paying public?

2. Should public broadcasters be permitted to provide commercial services on subcarriers?

3. Should MTS signals be included under the "must carry" provisions applicable to cable TV operations?

4. What is the appropriate regulatory classification and treatment of non-MTS

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[1] 48 FR 37475, published August 18, 1983.

[2] See the *First Report and Order* in BC Docket No. 82-536 (Amendment of Parts 2 and 73 of the Commission's Rules concerning use of subsidiary communications authorizations), adopted April 7, 1983, under reconsideration. This proceeding opened up the aural baseband of FM stations to virtually unlimited use, subject to certain regulatory classification.

uses of the TV aural baseband, and should there be federal preemption for common carrier use?

5. Should the Fairness Doctrine and the "reasonable access" provisions of Sections 312(a) and 315 of the Communications Act apply to subcarriers, i.e. content regulation of subcarriers?

Each of these issues will be developed individually.

Issue 1: MTS Technical Standards

6. In paragraph 22 of the *Further Notice,* the Commission expressed its belief that aural subcarrier use should be governed only by the technical rules necessary to ensure the integrity of the primary visual and aural services and to preclude interference to other licensees. We solicited comments on this marketplace approach and on any other approaches to system implementation which commenters believe may have merit.

7. Many commenters were critical of the Commission's marketplace approach. They perceived a failure of the marketplace to select a stereophonic AM transmission system after several years' trial of general technical standards. Other commenters noted the years of study invested in the MTS by EIA and compared the present circumstances to those existing at the time a similar consensus was reached for FM stereophonic broadcasting. Generally, many commenters held the view that there would be no benefit in adopting general technical standards for MTS, and such action would likely result in marketplace uncertainties and inaction. They felt this could result in a delay in implementation of MTS services. They also believed that specific system standards are needed to ensure TV receiver compatibility and thereby protect the public's investment in emerging MTS technology.

8. Cable television interests generally conceded the need for specific system standards but expressed unhappiness with all three MTS systems considered by EIA because of the increased aural bandwidth requirements. Blonder-Tongue, Inc., a manufacturer of subscription TV encoding systems, indicated that receivers designed for the BTSC system could decode the aural portion of subscription television (STV) signals. Grumman Aerospace, Inc. and Time Period Modulation, Inc. offered no specific objection to adoption of the BTSC system, but urged that the rules be left open with regard to implementation of their digital MTS transmission methods in the video baseband. Duncan Laboratories and Rocktron Corporation argued that their audio compandoring systems are superior to the dbx, Inc. system and called for additional study and evaluation of their systems. Likewise, Alpha-Omega, Inc. alleged the superiority of its MTS encoding system. Telesonics, Inc., a competitor with Zenith in the EIA evaluation process, opposed adoption of a specific standard, contending procedural impropriety in EIA's submitting its BTSC system for adoption during the reply comment period. Thus, Telesonics urged a continuation of the proceeding.

9. Unlike the case with AM stereo, the industry, through EIA, has presented the Commission with a specific proposal for adoption of a single system of multichannel television sound. This effort by industry is laudable and deserves favorable attention. Nevertheless, several commenters expressed the belief that technology has and will continue to advance beyond the BTSC proposal. Further, we believe that technology should not be restrained by earlier choices by manufacturers, for example, STV encoding techniques. After careful consideration of the comments, we have chosen an approach that protects the investments of television receiver owners who purchase units designed for BTSC reception, provides limited continued STV security because of pilot tone activation of BTSC type receivers, but which does not impede the opportunity for marketplace advances in technology.

10. The BTSC system proposes a pilot subcarrier at 15,734 Hz. The pilot allows receivers to recognize that transmissions are in stereo and to switch into the stereophonic reception mode. Without the presence of a pilot, receivers should revert to traditional monophonic reception, i.e., reception of the baseband between 50 and 15,000 Hz. Therefore, allowing only the BTSC system to use 15,734 Hz as the pilot subcarrier frequency will: (1) protect BTSC type receivers from falsely detecting other MTS formats, and (2) permit other MTS system to be used on the air, based on marketplace demands.

11. In the *Further Notice,*[3] it was proposed that a pilot subcarrier be permitted between 15 kHz and 120 kHz to allow for receiver switching to the stereophonic mode. In keeping with the desire to prevent false decoding of a non-BTSC system by a BTSC type receiver, we are amending that range to between 16 kHz and 120 kHz. Only those systems that fully comply with the BTSC system for stereophonic transmission may use 15,734 Hz as the pilot subcarrier frequency. No other MTS system may provide for subcarriers or continuous energy at 15,734 Hz +/− 20 Hz that modulates the aural transmitter more than +/− 0.125 kHz. The 40 Hz "window" will, we believe, provide adequate protection for state-of-the-art tone detection circuitry in receivers. The specific requirements for an MTS system to use 15,734 Hz as the pilot subcarrier frequency are contained in the Office of Science and Technology bulletin number OST 60; however, existing STV systems that have been approved by the FCC to use 15,734 Hz as a pilot may continue to do so.

12. In the *Further Notice* we proposed limiting the aural baseband to 120 kHz.[4] Nothing in the record convinces us that a greater bandwidth would be required or desired, especially considering the potential for interference with the video service with a wider aural bandwidth. Therefore, 40 dB attenuation of any aural signal component will be required above 120 kHz.

13. Monophonic compatibility basically means that the L+R information must be transmitted in the baseband that is now used for monophonic aural signals (main channel). Today's Rules address specifically the band between 50 and 15,000 Hz. It then follows that the L+R stereophonic information should appear in this same part of the aural baseband and should modulate the aural transmitter in a manner similar to traditional monophonic audio. Additionally, use of MTS signals should not appreciably degrade the above defined aural baseband. We proposed in the *Further Notice* to limit crosstalk of any MTS subcarrier, except the stereophonic difference channel, to −60 dB.[5] The proposed difference channel crosstalk into the main channel was −40 dB. EIA agrees with those values. However, we feel that the marketplace can more appropriately strike a balance between listeners' needs and crosstalk limits, therefore we are not adopting specific standards. Additionally, the more generic question of deregulation of quality standards will be addressed again in General Docket 83-114.

14. EIA suggests that rather than continuing the concept of modulation percentage, it would be more appropriate to reference kilohertz deviation of the aural transmitter. Such a suggestion has merit, especially considering our desire to assure that the L+R, or monophonic compatibility channel, deviation remains at +/− 25 kHz for maximum monophonic compatibility. In the *Further Notice* it

[3] See *Further Notice* at para. 31

[4] See *Further Notice* at para. 31.

[5] See *Further Notice* at para. 30.

was anticipated that MTS services would cause deviation in excess of traditional monophonic audio signals. An additional 50 kHz deviation will be allowed for MTS services, to be allocated according to the needs of the specific system. This will permit a total of +/− 75 kHz deviation in the MTS mode. Any MTS system that provides the stereophonic difference information by "piggy-backing" on the visual carrier will be permitted 50 kHz additional deviation for auxiliary aural subcarriers, for a total deviation of 75 kHz.

15. The question of separation between the left and right channels is very much a quality of service question. The same holds true for harmonic distortion limits and audio amplitude response curves. We believe a strong marketplace incentive exists to maximize the quality of service and the Rules need not set detailed specifications. Again, looking at monophonic compatibility as the major goal, we would expect only that a stereophonic transmission system meet the audio performance standards currently in the Rules for the L=R, or equivalent monophonic, mode. It does, however, seem that for a station to claim to be providing stereophonic service, there should be some minimum level of left channel and right channel separation. We proposed 30 dB in the *Further Notice*.[6] That now appears too restrictive, based on EIA comments, and others. Therefore, we are again deferring to the marketplace for the decision on the appropriate level.

Issue 2: Public Broadcasters' Use of Subcarriers

16. The record supports our initial proposition in the *Further Notice* that public broadcasters should be permitted, at their own discretion, to offer subcarrier services on either a commercial or non-commercial basis.[7] We therefore find it in the public interest to allow public broadcasters full access to the potential commercial ventures offered by subcarrier services to help increase revenues in such stations.

Issue 3: Mandatory Carriage on Cable Television

17. In general, broadcast interests believe that the Commission should require cable systems to carry multichannel sound transmissions. ABC, for example, states that if the TV aural subcarrier is used for the provision of stereophonic sound and second-language soundtracks, cable television systems should be required to carry such signals. The Television Licensees, in their comments, state that cable television systems should be required to carry TV aural subcarriers insofar as they are utilized to provide stereophonic sound and it is technically feasible for cable systems to do so. A number of commenters state that mandatory carriage should apply to multichannel sound transmissions just as it applies to the color subcarrier.

18. MST, NBC and PBS, among others, support mandatory carriage of all aural subcarrier signals by cable systems. MST believes that permitting cable operators to "strip" aural subcarriers could slow or stall the development of subcarrier services, and could discourage manufacturers from investing in the production of needed equipment. Further, MST states that without mandatory carriage requirements, cable operators would be able to suppress competition with their non-broadcast subcarrier services and unfairly attract subscribers to their own multichannel sound pay services.

19. A number of broadcast parties state that mandatory carriage of multichannel sound services will not cause technical difficulties for cable systems. In this regard, MST points to studies made by EIA. MST asserts that based on EIA's tests, the vast majority of cable systems can carry multichannel sound services without degrading present service or causing inter-channel interference. The Television Licensees state that cable systems that encounter technical problems in retransmitting the TV subcarrier signal should be allowed to delete the TV aural baseband transmissions upon the submission of a statement of the technical difficulties, together with information that establishes that there is no reasonable method of avoiding interference. MST generally supports such an approach but states that even in these situations, there is a need to balance cable's market power. MST states that cable systems incapable of retransmitting aural subcarriers on the main television channel should be required to provide multichannel sound services via vacant FM radio channels or through other means if they provide such services for their non-broadcast or pay services.

20. The NAB, in its comments, states that carriage of multichannel sound services by most cable systems is automatic, imposes no burden on cable systems and requires no affirmative steps by cable operators. The NAB states that the EIA tests have shown that no major technical problems exist for the carriage of multichannel sound by cable systems. The NAB notes that cable headend equipment may have to be "adjusted, modified, redesigned or replaced," to provide acceptable stereophonic performance, but that these adjustments are relatively minor and do not involve substantial costs. The NAB believes, therefore, that a cable operator's decision to strip multichannel sound signals would be to eliminate competition rather than to preserve the technical integrity of its signals. The NAB does recognize that set-top converters now in use by some cable systems are technically incompatible with multichannel sound services. However, NAB states that these converters were designed, manufactured and installed at a time when multichannel sound system development was well known. Therefore, according to the NAB, these affected cable systems should not be protected (except perhaps for certain transition procedures) or allowed to strip multichannel sound signals. In its reply comments, the NAB reiterates its earlier arguments and points out that the inability to pass multichannel sound signals presents a far different question from that of actively stripping multichannel sound from the broadcast signal. In summary, the NAB states that an anti-stripping structure should be imposed immediately on cable systems capable of passing multichannel sound signals and on systems otherwise providing stereo or SAP for any programming.

21. Comments from cable parties generally opposed any mandatory subchannel signal carriage requirements. NCTA, in its comments, states that the cable industry is committed to "offering high quality, state-of-the-art service to the public." NCTA further states that the cable industry will likely provide multichannel sound where it is technologically feasible but that the decision to carry multichannel sound should be left to the cable operators. In this regard, Heritage Communications, Inc. (Heritage), states that if the demand for multichannel services exists in a cable system's service areas, the service will be provided by the system notwithstanding the absence of a requirement to do so. If, on the other hand, the demand does not exist, Heritage believes that cable systems should not be obligated to carry undesired services, especially when this might require the elimination of desired services. Gill and Televents, in their comments, also oppose must carry rules but state that many cable operators will devise ways of delivering stereo sound to their subscribers.

[6] See *Further Notice* at para. 26.

[7] See *Further Notice* at para. 15.

22. NCTA indicates that it has performed extensive tests on the effects of multichannel sound on cable television that demonstrate that while some cable systems may be able to carry multichannel sound without serious degradation to the signal or any deleterious effects on other cable services, numerous other cable systems will encounter substantial and unacceptable interference.

23. Gill and Televents, in their comments, state that cable systems should not be required to retransmit multichannel TV sound in light of existing cable equipment limitations and because of certain copyright problems attendant with any must carry requirement. With regard to existing cable equipment, Gill and Televents cite problems associated with headend equipment, set-top converters and descrambling equipment. Moreover, if cable carriage of multichannel sound services is required by the Commission, Gill and Televents believe that a system's inability to carry these services might result in technical copyright infringement under the Copyright Revision Act of 1976. In their reply comments, Gill and Televents note that none of the comments filed in this proceeding contained technical studies indicating that cable systems will be able to deliver multichannel sound services with off-air quality. Gill and Televents state that cable will therefore be placed at a competitive disadvantage.

24. Many of the comments filed by cable parties also stated that the policies underlying existing must carry rules do not apply to multichannel sound services. American Television and Communications Corporation (ATC), for example, states that the current must carry requirements were established out of concern for the local television station's competitive position vis-a-vis other services on cable systems and to ensure that broadcast stations retain their capability to serve as a source of locally oriented programming. Similarly, Cox Cable Communications, Inc. (Cox), in its reply comments, stated that the must carry rules were established to assure that local broadcast stations are not denied access to the audience they are licensed to serve. ATC, Cox and others state that mandatory carriage of multichannel sound services is not required since the cable subscriber will not be deprived of any regular or locally oriented program, and the broadcast station will maintain its full access to its audience.

25. In the *Further Notice*, we stated that, in general, TV aural subcarrier services will be considered ancillary services and regulated as such under Part 73 of the Commission's rules.[8] We also noted that there are a variety of possible uses for the aural baseband and that the public's desire for certain services may vary from market to market and from licensee to licensee.[9] We further noted that initially the amount of TV programs with stereophonic sound may be limited; that stereophonic sound may not be suitable for many TV programs and that stereophonic subchannels could be used for other purposes.[10] Accordingly, we proposed in the *Further Notice* and are now adopting an open market approach that would permit broadcast licensees to fully exercise their own discretion in selecting which TV audio subchannel services to offer.

26. We find nothing in the record of this proceeding to make us alter our initial finding that TV aural subcarrier transmissions unrelated to program content should be considered an ancillary broadcast service; such transmissions do not warrant the protective regulation accorded to primary broadcast services.[11] In regard to program related services such as stereophonic and SAP services, we are unwilling immediately to impose rigid technical obligations without further support for a finding that such obligations would service the overall public interest.

27. While we are declining to impose mandatory signal carriage of these aural subcarrier transmissions at this time, we are conscious of the arguments raised by some parties regarding the need for such regulation,[12] and we wish to gather additional factual information on this issue. Accordingly, we will keep this docket open and shortly will issue a neutral Notice of Proposed Rulemaking to explore further this matter.

Issue 4: Preemption of Common Carrier Regulation

28. In the *Further Notice*, the Commission proposed that "in the event a broadcaster elects to offer services of either a common carrier or private carrier nature over its TV subcarrier facilities, then appropriate common carrier or private carrier regulation would apply."[13] Several parties filed comments opposing the imposition of common carrier regulation. ABC, for example, believes that expanded utilization of the TV aural baseband should be left to the competitive marketplace and not inhibited by unnecessary common carrier regulations. NBC, in its comments, encouraged the Commission to take a deregulatory approach and classify the subcarrier services as "hybrid" services subject to minimal regulation. Alternatively, NBC stated that the Commission has the authority to preempt state regulation.

29. Several parties argue that the Commission should preempt state entry regulations governing radio common carrier services offered on the aural baseband of broadcast television stations. Comments filed by Reach, Inc., document that the majority of states have entry regulations that are either restrictive or exclusionary. Reach believes that such state regulations thwart Commission policies promoting the efficient use of the spectrum. Further, Reach states that the public will likely suffer from these overly restrictive or exclusionary entry regulations, as they would not have the benefit of competitive pricing and service. The NAB contends that parties seeking to operate paging services on the aural baseband in the absence of preemption of entry regulations would find it costly and perhaps prohibitive to attempt a state-by-state process.

30. The issue of preemption of state entry regulations in this proceeding parallels the issue of preemption in the FM subchannel proceeding, BC Docket No. 82-536. This matter is currently under reconsideration by the Commission. Accordingly, due to the similarities of these two proceedings regarding preemption, the matter will be determined by the final decision in BC Docket No. 82-536.

Issue 5: Content Regulation of TV Aural Subchannels

31. In the *Further Notice*, we invited comment on the applicability of the Fairness Doctrine and the "reasonable access" provisions of Sections 312(a)(7) and 315 of the Communications Act to TV aural subcarrier operations.[14] Our

[8] See *Further Notice* at para. 17.

[9] See *Further Notice* at para. 17.

[10] See *Further Notice* at para. 13.

[11] See the *Report and Order* authorizing broadcast television stations to operate teletext services, BC Docket 81-741, 48 FR 27054.

[12] We note that the National Association of Broadcasters and the Association of Maximum Service Telecasters on March 19, submitted a pleading styled as a "Motion to Accept NAB and MST Middle Ground Proposal." The upcoming Notice of Proposed Rulemaking will permit the Commission an opportunity to examine adequately this late-filed proposal.

[13] See *Further Notice* at para. 17.

[14] Section 312(a)(7) pertains to access to broadcast facilities by ferderal candidates and Section 315 deals with equal opportunities for candidates for elective office.

preliminary view on this matter was that the application of these requirements is neither legally compelled nor desirable as a matter of policy.

32. Parties responding to this issue generally concur with our initial finding. ABC, for example, states that the imposition of political broadcasting and Fairness Doctrine requirements would be both unnecessary and unwise. Similarly, NBC states that it would be inconsistent to saddle a secondary service with such obligations. Both ABC and NBC, among others, point to the many diverse uses of the TV aural baseband and the Commission's decision not to impose these requirements on teletext services.

33. After consideration of the record in this proceeding, we concur with our initial finding that the application of the Fairness Doctrine and the political broadcasting requirements of Sections 312(a)(7) and 315 of the Communications Act is neither legally compelled nor desirable as a matter of policy. Our conclusion in this regard rests primarily on the determinations made regarding the regulatory classification of FM subcarriers and teletext services.[15] We believe that the statutory requirements of reasonable access and equal opportunity are adequately satisfied by permitting federal candidates access and opportunity on the licensee's regular broadcast operation and does not require access to ancillary services.

34. We are also persuaded that the likelihood of licensees' embarking upon these types of endeavors will be substantially affected by our determination to apply, or not to apply, traditional broadcast policies like "reasonable access" and the Fairness Doctrine. We have no desire to block from the outset full development of this promising new service by the unreflective application of requirements that appear unnecessary and are not legally required. We believe that such a course of action would be inconsistent with our statutory responsibilities to promulgate policies that encourage, not frustrate, the development of new communications services.[16] Accordingly, we believe that the public interest is better served by not subjecting TV aural subcarrier services to the Fairness Doctrine and the requirements of sections 312(a)(7) and 315 of the Communications Act.

[15] See, *WFTL, Inc.*, 45 FCC 2d 1152, 1153-54 (1974); *Greater Washington Educational Telecommunications Assn., Inc.*, 49 FCC 2d 848 (1974); *see also, Memorandum Opinion and Order*, Docket No. 19671, released June 23, 1983, n. 29; and *Report and Order*, Docket 81-741, released May 20, 1983.

[16] See 47 U.S.C. 151 and 303.

Regulatory Flexibility Final Analysis

35. I. *Reason for Action*—A substantial portion of the TV aural baseband is currently unused. Removal of certain Commission rules limiting subcarrier operations to specific uses will result in the expanded utilization of the aural baseband, and should thereby increase spectrum efficiency.

II. *The Objective*—The rules adopted herein will fully expand the services permissible on TV subcarriers by removing present limitations.

III. *Legal Basis*—The action is in furtherance of section 303 of the Communications Act of 1934, as amended, which charges the Commission to explore new and improved uses of radio.

IV. *Description, potential impact and number of small entities affected*—The rules herein adopted amend existing rules that restrict the use of TV aural baseband subcarriers. The new rules are expected to have a beneficial effect by fostering the use of the aural baseband for new communications services. In general, the rules will encourage cost competitive alternatives for a variety of services currently prohibited from the TV aural baseband. Services that were too prohibitive in cost may now become economically feasible. The new rules also reduce the pressure and crowding on other scarce spectrum by making available an alternative communication system.

A substantial number of small businesses may be affected. Those that would be affected in a positive way include small commercial TV stations (through increased revenues) and businesses supplying previously precluded competitive services and equipment. Small businesses that may be negatively affected, through loss of income to new competitors, include commercial and nonprofit businesses that currently provide services on FM subcarriers or by other transmission methods. The degree of negative impact in this category is unknown because present subcarrier use is minimal. In general, the positive factors in this action appear to outweigh the negative factors in the new opportunities for commercial ventures will be provided.

V. *Recording, record-keeping and other compliance requirements.*—None.

VI. *Federal rules which overlap, duplicate or conflict with this rule.*—None.

VII. *Any significant alternative minimizing the impact on small entities and consistent with the stated objective.*—None.

Actions

36. The Secretary shall cause a copy of this Report and Order, including the Final Regulatory Flexibility Analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Paragraph 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 94 Stat. 1164, 50 U.S.C. *et seq.*).

37. Accordingly, it is ordered, pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, that Parts 2 and 73 of the Commission's Rules and Regulations are Amended as set forth in the attached Appendix A, effective upon adoption pursuant to Section 5 U.S.C. s/s 553(d)(i).

38. It is further ordered, that the question of Preemption of local common carrier regulation shall be determined by the final decision in BC Docket No. 82-536.

39. For further information on this matter, contact Ralph A. Haller, Mass Media Bureau, at (202) 632-9660, or Bruce Franca, Mass Media Bureau, at (202) 632-6302.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,
Secretary.

Appendix A

I. Title 47 CFR Parts 2 and 73 of the Federal Communications Commission's Rules and Regulations are amended as follows:

PART 2—[AMENDED]

1. Section 2.106, the Table of Frequency Allocations is amended by adding reference to note "NG128" in the table column 5 for the frequency bands 54-72, 76-88, 174-216, 470-608 and 614-806 MHz and revising the text of note NG128 as follows:

§ 2.106 Table of frequency allocations.

United States Table		FCC use designators	
Government allocation MHz	Non-Government allocation MHz	Rule Part(s)	Special-use frequencies
(4)	(5)	(6)	(7)
• • •	• • •	• • •	• • •
54.0-72.0	54.0-72.0		

United States Table		FCC use designators	
Government allocation MHz	Non-Government allocation MHz	Rule Part(s)	Special-use frequencies
(4)	(5)	(6)	(7)
	BROADCASTING	RADIO BROADCAST (TV)(73)	
		Auxiliary Broadcasting (74)	
	NG128		
* *	*	* * *	*
76.0-88.0	76.0-88.0		
	BROADCASTING	RADIO BROADCAST (TV)(73)	
		Auxiliary Broadcasting (74)	
	NG128 NG129		
* *	*	* * *	*
174-216	174-216		
	BROADCASTING	RADIO BROADCAST (TV)(73)	
		Auxiliary Broadcasting (74)	
	NG115 NG128		
* *	*	* * *	*
470-512	470-512		
	BROADCASTING	RADIO BROADCAST (TV)(73)	
	LAND MOBILE	DOMESTIC PUBLIC LAND MOBILE (22)	
		PRIVATE LAND MOBILE (90)	
		Auxiliary Broadcasting (74)	
	NG66 NG114 NG127 NG128.		
* *	*	* * *	*
512-608	512-608		
	BROADCASTING	RADIO BROADCAST (TV)(73)	
		Auxiliary Broadcasting (74)	
	NG128		
* *	*	* * *	*
614-806	614-806		
	BROADCASTING	RADIO BROADCAST (TV)(73)	
		Auxiliary Broadcasting (74)	
	NG30 NG43 NG128.		

* * * * *

NG128 In the band 535-1605 kHz, AM broadcast licensees or permittees may use their AM carrier on a secondary basis to transmit signals intended for utility load management. In the band 88-108 MHz, FM broadcast licensees or permittees are permitted to use subcarriers on a secondary basis to transmit signals for both broadcast and non-broadcast purposes. In the bands 54-72, 76-88, 174-216 and 740-890 MHz, TV broadcast licensees or permittees are permitted to use subcarriers on a secondary basis for both broadcast and non-broadcast purposes.

* * * * *

2. Section 2.977 is amended by revising paragraphs (c) (3) and (4) to read as follows:

§ 2.977 Changes in notified equipment.

* * * * *

(c) * * *

(3) The addition of TV broadcast subcarrier generators to a notified TV broadcast transmitter or the addition of FM broadcast subcarrier generators to a notified FM broadcast transmitter, provided the transmitter exciter is designed for subcarrier operation without mechanical or electrical alternations to the exciter or other transmitter circuits.

(4) The addition of TV broadcast stereophonic generators to a notified TV broadcast transmitter or the addition of FM broadcast stereophonic generators to a notified FM broadcast transmitter, provided the transmitter exciter is designed for stereophonic sound operation without mechanical or electrical alternations to the exciter or other transmitter circuits.

3. Section 2.989 is amended by revising paragraph (e)(6) and adding a new paragraph (e)(7) to read as follows:

§ 2.989 Measurement required: Occupied Bandwidth.

* * * * *

(e) * * *

(6) Television broadcast monaural transmitters—when modulated 85% by a 15 kHz input signal.

(7) Television broadcast stereophonic sound transmitters—when the transmitter is modulated with a 15 kHz input signal to the main channel and the stereophonic subchannel, any pilot subcarrier(s) and any unmodulated auxiliary subcarrier(s) which may be provided. The signals to the main channel and the stereophonic subchannel must be representative of the system being tested and when combined with any pilot subcarrier(s) or other auxiliary subcarriers shall result in 85% deviation of the maximum specified aural carrier deviation.

* * * * *

4. Section 2.1001 is amended by revising paragraphs (i) and (j) to read as follows:

§ 2.1001 Changes in type accepted equipment.

* * * * *

(i) The addition of TV broadcast subcarrier generators to a type accepted TV broadcast transmitter or the addition of FM broadcast subcarrier generators to a type accepted FM broadcast transmitter, provided the transmitter exciter is designed for subcarrier operation without mechanical or electrical alternations to the exciter or other transmitter circuits.

(j) The addition of TV broadcast stereophonic generators to a type accepted TV broadcast transmitter or the addition of FM broadcast stereophonic generators to a type accepted FM broadcast transmitter, provided the transmitter exciter is designed for stereophonic sound operation without mechanical or electrical alternations to the exciter or other transmitter circuits.

* * * * *

PART 73—[AMENDED]

5. A new § 73.665 is added to read as follows:

§ 73.665 Use of TV aural baseband subcarriers.

Licensees of TV broadcast stations may transmit, without further authorization from the FCC, subcarriers and signals within the composite baseband for the following purposes:

(a) Stereophonic (biphonic, quadraphonic, etc.) sound programs under the provisions of §§ 73.667 and 73.669.

(b) Transmission of signals relating to the operation of TV stations, such as relaying broadcast materials to other stations, remote cueing and order messages, and control and telemetry signals for the transmitting system.

(c) Transmission of pilot or control signals to enhance the station's program service such as (but not restricted to) activation of noise reduction decoders in receivers, for any other receiver control purpose, or for program alerting and program identification.

(d) Subsidiary communications services.

6. A new § 73.667 is added to read as follows:

§ 73.667 TV subsidiary communications services.

(a) Subsidiary communication services are those transmitted within the TV aural baseband signal, but do not include services which enhance the main program broadcast service or exclusively relate to station operations (see §§ 73.655 (a), (b), and (c)). Subsidiary communications include, but are not limited to, services such as functional music, specialized foreign

language programs, radio reading services, utility load management, market and financial data and news, paging and calling, traffic control signal switching, and point-to-point of multipoint messages.

(b) TV subsidiary communications services that are common carrier or private radio in nature are subject to common carrier or private radio regulation. Licensees operating such services are required to apply to the FCC for the appropriate authorization and to comply with all policies and rules applicable to the service. Responsibility for making the initial determinations of whether a particular activity requires separate authority rests with the TV station licensee or permittee. Initial determinations by licensees or permittees are subject to FCC examination and may be reviewed at the FCC's discretion.

(c) Subsidiary communications services are of a secondary nature under the authority of the TV station authorization, and the authority to provide such communications services may not be retained or transferred in any manner separate from the station's authorization. The grant or renewal of a TV station permit or license is not furthered or promoted by proposed or past subsidiary communications services. The permittee or licensee must establish that the broadcast operation is in the public interest wholly apart from the subsidiary communications services provided.

(d) The station identification, delayed recording, and sponsor identification announcement required by §§ 73.1201, 73.1208, and 73.1212 are not applicable to leased communications services transmitted via services that are not of a general broadcast nature.

(e) The licensee or permittee must retain control over all material transmitted in a broadcast mode via the station's facilities, with the right to reject any material that it deems inappropriate or undesirable.

7. A new § 73.669 is added to read as follows:

§ 73.669 TV stereophonic aural and multiplex subcarrier operation.

(a) A TV broadcast station may without specific authority from the FCC, transmit multichannel aural programs upon installation of multichannel sound equipment. Prior to commencement of multichannel broadcasting, the equipment shall be measured in accordance with § 73.1690(e).

(b) Multiplex subcarriers may be used by a TV station pursuant to the provisions of § 73.665 and may be transmitted on a secondary, non-interference basis to broadcast programming without specific authority from the FCC. Transmissions must be conducted in accordance with the technical standards given in § 73.682(c).

(c) In all arrangements entered into with outside parties affecting non-common carrier subcarrier operation, the licensee or permittee must retain control over all material transmitted over the station's facilities, with the right to reject any material which is deemed inappropriate or undesirable. Subchannel leasing arrangements must be kept in writing at the station and made available to the FCC upon request.

8. Section 73.677(b) is revised to read as follows:

§ 73.677 TV remote control authorizations.

* * * * *

(b) TV stations may, without specific authority from the FCC, use an aural subcarrier frequency for remote control-telemetry in accordance with the technical provisions of § 73.682(c).

9. Section 73.681 is amended by alphabetically adding definitions of "BTSC," "Baseband," "Main channel," "Multichannel Television Sound (MTS)," and "Pilot subcarrier," to read as follows:

§ 73.681 Definitions.

* * * * *

BTSC. Broadcast Television systems committee recommendation for multichannel television sound transmission and audio processing as defined in FCC Bulletin OST 60.

Baseband. Aural transmitter input signals between 0 and 120 kHz.

* * * * *

Main channel. The band of frequencies from 50 to 15,000 Hertz which frequency modulate the main aural carrier.

* * * * *

Multichannel Television Sound (MTS). Any system of aural transmission that utilizes aural baseband operation between 15 kHz and 120 kHz to convey information or that encodes digital information in the viedo portion of the television that is intended to be decoded as audio information.

* * * * *

Pilot subcarrier. A subcarrier used in the reception of TV stereophonic aural or other subchannel broadcasts.

* * * * *

10. Section 73.682 is amended by removing paragraph (a)(23) and designating it [reserved] and by adding a new paragraph (c) to read as follows:

§ 73.682 TV transmission standards.

* * * * *

(c) TV multiplex subcarrier/stereophonic aural transmission standards.

(1) The modulating signal for the main channel shall consist of the sum of the stereophonic (biphonic, quadraphonic, etc.) input signals.

(2) The instantaneous frequency of the baseband stereophonic subcarrier must at all times be within the range 15 kHz to 120 kHz. Either amplitude or frequency modulation of the stereophonic subcarrier may be used.

(3) One or more pilot subcarriers between 16 kHz and 120 kHz may be used to switch a TV receiver between the stereophonic and monophonic reception modes or to activate a stereophonic audio indicator light, and one or more subcarriers between 15 kHz and 120 kHz may be used for any other authorized purpose; except that stations employing the BTSC system of stereophonic sound transmission and audio processing may transmit a pilot subcarrier at 15,734 Hz, ± 2 Hz. Other methods of multiplex subcarrier or stereophonic aural transmission systems must limit energy at 15,734 Hz, ± 20 Hz, to no more than ± 0.125 kHz aural carrier deviation.

(4) Aural baseband information above 120 kHz must be attenuated 40 dB referenced to 25 kHz main channel deviation of the aural carrier.

(5) For required transmitter performance, all of the requirements of § 73.687(b) shall apply to the main channel, with the transmitter in the multiplex subcarrier or stereophonic aural mode.

(6) For electrical performance standards of the transmitter, the requirements of § 73.687(b) apply to the main channel.

(7) Multiplex subcarrier or stereophonic aural transmission systems must be capable of producing and must not exceed ± 25 kHz main channel deviation of the aural carrier.

(8) The arithmetic sum of baseband signals between 15 kHz and 120 kHz must not exceed ± 50 kHz deviation of the aural carrier.

(9) Total modulation of the aural carrier must not exced ± 75 kHz.

11. Section 73.1570 is amended by adding paragraph (b)(3)(i) to read as follows:

§ 73.1570 Modulation levels; AM, FM, and TV aural.

* * * * *

(b)* * *

(3) * * *

(i) Stations transmitting aural multiplex subcarriers for authorized services (see § 73.655) may increase the modulation deviation to the limits specified in § 73.682(c).

* * * * *

12. Section 73.1690 is amended by revising paragraph (e) introductory text, and paragraph (e)(5), and by removing paragraph (e)(7), to read as follows:

§ 73.1690 Modification of transmission systems.

* * * * *

(e) The following changes in transmission system equipment may be made without prior notification to or authorization from the FCC. Equipment performance measurements must be made within 10 days after completing the modifications for paragraphs (e) (1), (3), (4), and (5) of this section.

* * * * *

(5) Installation or replacement of a stereophonic or subcarrier generator of an FM or TV transmitter with one that has been demonstrated to be both electrically and mechanically compatible with the type accepted or notified transmitter.

* * * * *

13. The alphabetical index of Part 73 is amended by the following additions:

(1) Under "Stereophonic sound broadcasting":
TV 73.669.
(2) Under "Stereophonic sound transmission standards":
TV 73.682.
(3) Under "Subcarriers, multiplex, use of":
TV 73.665.
(4) Under "Subsidiary Communications Services (SCA)":
TV 73.667.
(5) Under "Communications Services, Subsidiary":
TV 73.667.
(6) Under "Multiplex subsidiary, Use of":
TV 73.862.

Appendix B

List of Commenters and Reply Commenters

Alpha-Omega Engineering, Inc.
American Broadcasting Companies, Inc. (ABC)
American Foundation for the Blind
American TV and Communications Corporation (ATC)
Association of Independent Television Stations, Inc.
Association of Maximum Service Telecasters, Inc. (AMST)
Bell Telephone Operating Companies
Blonder-Tongue Laboratories
CBS, Inc.
Cox Cable Communications
DBX Incorporated
Duncan Laboratories
Electronics Industries Association
Gill Industries and Televents, Inc.
Grumman Aerospace
Harris Corporation
Heritage Communications, Inc.
National Association of Broadcasters (NAB)
National Association of Public Television Stations
National Broadcasting Company (NBC)
National Cable Television Association, Inc. (NCTA)
New Jersey Library for the Blind and Handicapped
Pacific Telephone and Telegraph Company and Bell Telephone Company of Nevada
Public Broadcasting Service
RCA Corporation
Reach Electronics, Inc.
Reading Broadcasting, Inc.
Rocktron Corporation
Strasburg Telephone Company
Telease, Inc.
Telelocator Network of America
Telesonics Systems, Inc.
Televents, Inc.
Television Licensees (combined comments of several licensees)
Time Period Modulation and Cable TV Supply Company
WESL Inc.
Zenith Radio Corporation

[FR Doc. 84-11348 Filed 4-20-84; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 61

[CC Docket No. 79-246; FCC 84-147]

Private Line Rate Structure and Volume Discount Practices

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action adopts five guidelines for the private line rate structures of American Telephone & Telegraph Co. and the special access rate structures of the exchange telephone carriers. Also, the Commission adopts findings favoring greater carrier flexibility regarding volume discounts for private line and special access services. This action is taken to expedite tariff review, decrease the carriers' burden of cost justification, increase competition, and help carriers meet customers' demands for new and innovative services.

EFFECTIVE DATE: April 27, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Warren Lavey, Common Carrier Bureau, (202) 632-6910.

List of Subjects in 47 CFR Part 61

Communications common carriers, Tariffs.

Report and Order (Proceeding Terminated)

In the matter of private line rate structure and volume discount practices; CC Docket No. 79-246.

Adopted: April 11, 1984.
Released: April 24, 1984.

By the Commission: Commissioner Quello concurring and issuing a statement.

I. Introduction

1. This proceeding was designed to promote effective regulation and increase opportunities for deregulation by restructuring private line tariffs. Notice of Inquiry and Proposed Rulemaking, 74 FCC 2d 226 (1979) (*Notice*). The *Notice* proposed five guidelines for tariffs to help us effectively determine whether terms and charges are just, reasonable, and nondiscriminatory.[1] We seek to avoid having two similarly-situated customers who demand the same service from the same carrier (such as ten, full-time, voice-grade private lines between points A and B) charged different rates, i.e., unlawful discrimination. 47 U.S.C. 202. Rate regulation is aided by the ability to make in-kind comparisons (comparing like rate elements in different tariffs). In addition, restructuring tariffs according to the proposed guidelines can help customers choose the most advantageous service options and facilitate competition. We adopt the proposed guidelines in this Order and further explain their application. The *Notice* also initiated an inquiry into volume-based rate discounts. We adopt findings and guidelines for volume discounts in this Order.

2. The *Notice* proposed the following guidelines: (1) Rate structures for the same or comparable services should be integrated; (2) rate structures for the same or comparable services should be consistent with one another; (3) rate elements should be selected to reflect market demand, pricing convenience for the carrier and customers, and cost

[1] *See* 47 U.S.C. 201-202; AT&T: Private Line Services, 61 FCC 2d 587 (1976), *recon.*, 64 FCC 2d 971 (1977), *further recon.*, 67 FCC 2d 1441 (1978), *aff'd in part sub nom.* Aeronautical Radio, Inc. v. Federal Communications Commission, 642 F. 2d 1221 (D.C. Cir. 1980), *cert. denied*, 451 U.S. 920 (1981). Without adequate justification, a carrier may not charge different rates or impose different terms and conditions for like (functionally equivalent) services. Western Union International, Inc. v. Federal Communications Commission, 568 F. 2d 1012 (2d Cir. 1977), *cert. denied*, 436 U.S. 944 (1978); American Trucking Associations v. Federal Communications Commission, 377 F. 2d 121 (D.C. Cir. 1966), *cert. denied*, 386 U.S. 943 (1967).

characteristics, and a rate element which appears separately in one rate structure should appear separately in all other rate structures; (4) rate elements should be consistently defined with respect to underlying service functions and should be consistently employed through all rate structures; and (5) rate structures should be simple and easy to understand. Briefly stated, we seek to expedite tariff review and inhibit market segmentation (discrimination) by adopting a building-block approach to rate structures.

3. The *Notice* provided an extensive opportunity for interested parties to submit comments concerning our tentative conclusion, proposals, and questions.[2] We required American Telephone & Telegraph Co. (AT&T) to submit an outline of its proposal to restructure its private line offerings. AT&T filed one proposal (Initial Proposal), and later replaced it with another proposal (Modified Proposal). These proposals, filed about four years ago and before the divestiture, are not identical to the interstate private line tariffs filed on October 3, 1983, by AT&T or the special access tariffs filed by exchange carriers in 1983 and 1984. Nevertheless, it appears that these carriers' currently-proposed private line rate schedules present issues substantially similar to those discussed in this proceeding.[3] Therefore, we use these proposals for solely illustrative applications of our guidelines.[4]

4. The Commission has lifted the tariff-filing requirement for many carriers and streamlined this requirement for some others.[5] In addition, we began an inquiry in 1983 examining, *inter alia*, possible reform of the tariff-filing requirements for AT&T.[6] Yet, analysis of some tariffs is a complex, lengthy, and costly process for the Commission, interconnecting carriers, other customers, and other competitors.[7] Compliance with these guidelines will increase consumers' welfare by decreasing the costs and delay involved in reviewing tariffs, increasing the Commission's ability to detect and control unlawful terms and charges, facilitating competition, and increasing customers' ability to select the most advantageous service options. Also, clear guidelines will help a carrier develop new offerings and change its rates with greater speed and certainty about the outcome of the Commission's review. The explanation of these guidelines does not attempt to anticipate every possible private line rate structure proposal. Nor is it desirable to constrain the Commission's discretion to apply these guidelines flexibility in light of the facts of a particular proposal. Still, this Order seeks to provide more guidance than we would in the course of reviewing a single tariff. We conclude that these guidelines will assist our review of AT&T's private line tariffs and the exchange carriers' special access tariffs. Our evaluation of competition may lead us to alter our application of these guidelines to one or more carriers in the future. AT&T may face more competition than exchange carriers for private line services, and competition may rise to the level that assures reasonable rate structures and rate levels, making regulatory review unnecessary. For now, compliance with these guidelines should reduce a carrier's burden of cost justification and expedite our tariff review. But, the guidelines do not preclude a carrier, in a given case when a private line tariff does not comply with these guidelines, from justifying its departure from the guidelines and showing that its tariff is just, reasonable, and nondiscriminatory.

II. Guidelines

5. *Integrated Rate Structures.* In the *Notice*, we proposed that a carrier should use a single, integrated rate structure for the same or comparable services. AT&T had a number of different tariff provisions under which the same or comparable services were offered with different rates, rate structures, or terms and conditions. We noted that AT&T charged seven different rates, differing by a factor of more than ten, for nominal 4 kHz voice-grade channels of the same length.[8] Under the proposal, a carrier would have to employ a single rate structure for all its same or comparable services, such as voice-grade private line services, and any surviving rate differentials would be shown within a common frame of reference. However, this guideline is neutral with regard to different forms of cost or rate averaging, provided that they are consistently applied and reasonable.[9] Where such rate differences can be justified on the basis of costs, competitive necessity, or other grounds, they can be reflected in a single, integrated rate structure. Furthermore, such a rate structure will help the Commission determine whether the rate differences are reasonable. We adopt this proposal.

6. We have had several opportunities to affirm our support for this guideline. For example, Western Union filed a new tariff stating that "the domestic Telex Service provided under this tariff is the same as the domestic Telex Service provided under Western Union Tariff No. 240 except that the use of the service is limited to the transmission of inbound international Telex calls." By

[2] 74 FCC 2d at 256. In all, four rounds of direct, responsive, and reply comments, as well as proposals or counterproposals have been filed in this proceeding by parties representing a wide variety of interests, such as certificated communications carriers, user groups or associations, individual users, federal and state entities, and consulting firms. They include: Ad Hoc Telecommunications Users Committee; Aeronautical Radio, Inc.; Air Transport Association of America; American Broadcasting Company, Inc.; American Satellite Corporation; CBS, Inc.; Central Committee on Telecommunications Users of the American Petroleum Institute; Defense Communications Agency; Eastern Educational Television Network, Inc.; Economics and Technology, Inc.; General Services Administrations; GTE Telenet Communication Corp.; Independent Data Communications Manufacturers Association; MCI Telecommunications Corporation; National Broadcasting Company; Rolm Corporation; Satellite Business Systems; Securities Industry Automation Corporation; Society of Telecommunications Consultants; Southern Pacific Communications Company; the State of Hawaii; Trial Staff of the Common Carrier Bureau; Tymnet, Inc.; United States Transmission Systems, Inc.; and the Western Union Telegraph Company.

[3] *See* Investigation of Access and Divestiture Related Tariffs, FCC 83-470 (released October 19, 1983), FCC 84-51 (released February 17, 1984) (*ECA Tariff Order*); *See also* Letter to D. Culkin from Chief, Common Carrier Bureau, No. 61630 (January 9, 1984).

[4] We are reviewing AT&T's recent private line tariff filings in CC Docket 83-1145. *See* note 3 *Supra*.

[5] Competitive Carrier Rulemaking, 48 FR 52452 (November 18, 1983) (Fourth Report).

[6] Long-Run Regulation of AT&T's Basic Domestic Interstate Services, 48 FR 51340 (November 8, 1983). *See also* Amendment of Sections 1 and 61 of the Commission's Rules, FCC 83-402 (released October 5, 1983).

[7] *See* Investigation of Access and Divestiture Related Tariffs, CC Docket No. 83-1145, FCC 83-470 (released October 19, 1983), *ECA Tariff Order*. *See also* Letter to D. Culkin from Chief, Common Carrier Bureau, No. 61630 (January 9, 1984).

[8] 74 FCC 2d at 236, 260. "Same or comparable services" refers to all services (1) using similar transmission channels or with similar features, or (2) otherwise meeting similar customer demands, except where the carrier shows that the different transmission channels used and different features justify different rate structures. "Same or comparable services" may differ from the standard for "like" services under 47 U.S.C. 202 and cases decided under that section. The intent of these guidelines is to avoid unnecessary differentiation of rate structures. We will clarify the definition of "same or comparable services" through application of these guidelines to specific tariffs.

[9] This proceeding does not address geographic deaveraging for private lines or switched services. Regarding private lines, the Commission will closely scrutinize the cost support and reasonableness of classifications for any proposed geographic deaveraging. Regarding switched services, the Commission will fully and carefully examine the policy implications of any proposed departure from the historic practice of geographic rate averaging. The record developed here does not allow us to make any findings on the lawfulness of geographic deaveraging in general or in particular forms.

Common Carrier Bureau order, we rejected this tariff because it would have created two different schedules of rates, terms, and conditions for the same service.[10] Generally, different types of use and different customers of the same transmission service should be provided for by the same rates and terms, and under this same rate structure. It would be consistent with this guideline for rate structures to take into account a wide range of cost factors (such as different exchange access rates in different areas), provided that the rate differences are developed on reasonable subclassifications of service. Another example is that we directed AT&T to file a single group/supergroup rate schedule for all uses and customers of these channels.[11] When AT&T proposed to offer common carrier facilities exclusively as part of its satellite-based, end-to-end Series 9000 service, we ordered that AT&T make a single, general offering of these facilities available to customers of its other services, including high-speed Dataphone Digital Service (DDS) customers.[12] The rate and terms for use of a transmission service should not depend on whether that service is used in conjunction with another service or with particular customer-premises equipment. To remedy the problem of several different rates which could conceivably apply to physically-interstate tielines between PBX's located within the Washington Metropolitan Area, we urged AT&T to develop a comprehensive rate schedule which reasonably accommodates short-haul channels in a nondiscriminatory fashion.[13]

7. Our recent order on the Exchange Carrier Association (ECA) access tariff in CC Docket No. 83-1145, Phase I, criticized the failure to use an integrated rate structure in several provisions. For example, we rejected the proposed rate structure for Special Access. The proposal identified separate services and charges for specified uses, such as thirteen subclassifications of voice grade services, and a service for the transmission of speech or music.[14] When the same channel is employed to provide two customers similar services which are used for different purposes, charging different rates according to the type or purpose of use would be unlawful price discrimination. Customers should be permitted to use the services ordered in any manner which does not cause public harm. We required that all voice-grade (analog) facilities be priced under a single channel rate structure regardless of their use for voice, data, facsimile, or other type of transmission which can be accommodated over such channels. We imposed similar requirements for other basic channel types such as telegraph-grade channels and analog channels of greater than voice-grade bandwidth (broadband). Also, we rejected aspects of the Special Access proposal that would apply a different rate according to whether the customer is called an Interstate Customer or End User.[15] In some instances, the private line connection to an End User would cost almost ten times more than a similar connection to an Interstate Customer. No justification of the use of different rates for categories of users was given.

8. A recent Bureau order illustrates a benefit from integrated rate structures. ITT World Communications, Inc., filed tariff revisions for its international leased channels under which it would charge government users generally lower rates than commercial users.[16] The different rates were in a single integrated tariff obligating the carrier to provide the same service and service elements to both government and commercial customers. Our tariff review determined that the carrier failed to file cost support for this disparate treatment, and found that the tariff directly contradicted the carrier's claim that commercial customers—who allegedly require service elements which are not required by government customers but which in fact are provided to both under the tariff—are more costly to serve.

9. To explain this guideline further, we apply it to AT&T's two proposals in this proceeding. AT&T's Initial Proposal (pre-divestiture) involved two categories of private line tariffs. The Basic Private Line Channels tariff would offer fundamental private line components; customers could pick and choose piece-parts "off the shelf" to assemble their own facilities for services. Under the Augmented Private Line tariffs, AT&T would offer "high-feature," end-to-end services. As the comments pointed out,[17] the two sets of tariffs would employ different rate structures for the same private line channel functions. Yet, all voice channels have the same attributes and can be identified separately regardless of whether they are used as part of an end-to-end carrier offering or as part of a customer-created network. By this proposal, the same functional capability could be provided under different tariffs at different rates based on the way the services are named and packaged.[18] This practice violates the first guideline and would give the carrier the ability to discriminate among customers and cause customer confusion. As discussed in connection with the third guideline, packaging may be lawful when offerings of packages and building blocks employ consistent, comparable rate structures. In the context of such rate structures, we can determine the amount by which a package price differs from the sum of its component prices and whether the difference is cost justified or otherwise just, reasonable, and nondiscriminatory.

10. Also in AT&T's Initial Proposal was an intercity offering called Basic 24, for groups of 24 voice-grade channels where T-1 carrier systems for local distribution and a specified analog/digital interface were available. Basic 1 was to be available for single voice-grade channels. Basic 24 would have been priced less than 24 channels under the Basic 1 offering. AT&T argued that while Basic 24 may appear to be like Basic 1, cost differences exist which justify the rate differences; the bulk offering would use high-capacity carrier lines with supposedly lower average costs than the lines used for single

[10] Western Union Telegraph Co.: Interconnection of Telex and TWX Services for Other Common Carriers, Mimeo No. 2685 (released August 13, 1981). Similarly, we rejected tariffs that would separately classify and price many of the private line channels used by Other Common Carriers (OCCs) as opposed to non-OCC customers. The carrier did not demonstrate any significant functional distinction (service capabilities) in the different classifications of interexchange channels. AT&T: Rates for Certain Facilities Furnished to Other Common Carriers, 92 FCC 2d 896, 907-07 (1982). *See also* Alabama Elec. Cooperative, Inc. v. FERC, 684 F.2d 20, 27-28 (D.C. Cir. 1982) ("[C]harging the same price to two purchasers where the seller's costs with respect to each differ must ... be considered discrimination, just as charging different prices where the seller's costs are the same."); *American Trucking, supra* 377 F.2d at 128, 131.

[11] AT&T: Offer of Facilities to Other Common Carriers, 92 FCC 2d 46, *recon.*, FCC 83-550 (released December 12, 1983).

[12] AT&T: First Satellite-Based Private Data Service Offering 89 FCC 2d 1116, 1122 (1982). *See also* AT&T: Picturephone (R) Meeting Service, 84 FCC 2d 322, 333 (1981) (claim that service offered under one tariff is "like" Series 7000 service offered under another tariff).

[13] U.S. Department of Defense, 75 FCC 2d 45, 51 (1979).

[14] *ECA Tariff Order*, at 7-13, 7-28, 7-41, 7-54.

[15] *Id.* at 7-8, 7-9, 7-64.

[16] ITT World Communications, Inc.: Revisions to Tariff F.C.C. No. 43, Mimeo No. 476 (released October 28, 1983).

[17] *See* comments filed in March 1980 by Satellite Business Systems at 14-17, United States Transmission Systems at 3, Western Union Telegraph Co. at 28-31.

[18] For example, USTS claims that several of the rate elements in AT&T's Augmented Private Line Tariffs (Nodal Access Lines and Internodal Trunks) are identical to elements found in the basic service offering under different nomenclature (e.g., Local Distribution Sections, Interoffice Sections and channel supplements). USTS Comments, March 1980 at 6, 7 n. 22. *See also* Western Union Responsive Comments, March 1980 at 32-33.

channels. While these differences may exist in some cases, they appear to be solely the product of the definition of the offerings and their rate structures. Two customers could have used the same 24 voice-channel capacity over the same high-capacity system. If one interfaced with a T-1 system through a certain device and the other did not, they would have paid different rates for the same interexchange channels and similar end-to-end services. With two rate structures and restrictions on use (tying the 24 voice channels to T-1 systems and a specific interface for Basic 24), the carrier would segment its customers and charge different rates for like point-to-point private line services. The building-block approach of these guidelines is designed, in part, to end such customer segmentation and any resulting unlawful discrimination. If an innovation or particular interface configuration is cost saving, the carrier should make any rate decrease available to all similarly-situated customers who demand similar services, not just to those customers it chooses to allow to use the innovation or configuration. All of a carrier's voice-grade point-to-point private line services should be offered through an integrated rate structure, with rate diffferences such as for different features shown on the face of the tariff and the justifications for them given in a unified framework. (See Section III *infra* on possible justifications for private line volume discounts.)

11. AT&T's Modified Proposal in this proceeding (pre-divestiture) proposed to offer all interexchange and intraexchange voice-grade private lines under a single, integrated rate structure. This proposal complied with the first guideline to the extent that it resolves a major problem identified in the *Notice*, the existence of multiple different rate structures under which the same interexchange channels are offered. However, the proposed structural integration extended beyond the requirements of this guideline, with resulting problems. The *Notice* described interexchange and intraexchange private line channels as separate service classifications. Unlike most interexchange channels, many intraexchange channels do not utilize certain expensive multiplexing equipment and often employ metallic transmission facilities that are not carrierized. The proposed integrated rate structure and related cost allocations would impose unreasonable cost burdens on many intraexchange-channel customers. The facility distinctions are meaningful in that a carrier would seldom use an interexchange configuration to provide an intraexchange service, and cannot use an intraexchange configuration to provide an interexchange service. This is in contrast to the fungibility of many interexchange facility configurations used to provide a range of interexchange services. Also, despite the integration of some rate elements for intraexchange and interexchange channels, the effect of the proposed structure was to base mileage charges for intraexchange channels on physical disaggregation of the routing; in contrast, mileage charges for interexchange channels would have been priced on the basis of a hypothetical straight line between serving central offices, regardless of physical routing. (See discussion of this approach in paras. 19, 21 *infra*.) A preferable approach involves one rate structure for intraexchange private line channels and a separate rate structure for interexchange private line channels. While this problem is reduced for AT&T's tariffs post-divestiture, it persists in the special access tariffs of exchange carriers, *e.g.*, intraexchange lines versus intra-LATA, intercity lines.

12. *Consistent Rate Structures.* The second guideline we adopt from the *Notice* requires comparable rate structures for the same or comparable services. To the extent that rate averaging is employed, it should be used in a consistent fashion wherever similar service functions are involved. Employing a new pricing technique for a new service to be used by certain customers without applying the same pricing technique to an existing, similar service or rate element used by other customers may constitute unlawful price discrimination. While a range of pricing techniques may be reasonable, the carrier should be consistent in applying any technique so that similarly-situated customers demanding similar services are charged according to similar rate structures. We noted that AT&T priced its intercity transmission channels on a mileage basis in its Series 1000, 2000, 3000, 4000, 5000 extension channels, and 8000 offerings, but that the mileage bands used in each offering differed. Furthermore, the TELPAK offering was priced on a flat rate per mile even though the same channels were involved.[19] While there may be cost differences across private line offerings which could justify different mileage bans and mileage-based rate gradations, the carrier should clearly explain the reasons for these aspects of its rate structure. Otherwise, the carrier should employ the same mileage bands and mileage-based gradations for its private line services. Another example described in the *Notice* is the AT&T priced local distribution channels at a flat rate in most private line tariffs, but on a mileage basis in the proposed BSOC 6 tariff.[20] Also, the BSOC 6 tariff used airline mileage between "wire centers" not airline mileage between points served as in many other AT&T tariffs.[21] The use of different pricing techniques for comparable services without adequate justification would violate this guideline.

13. Several decisions demonstrate our support for this guideline. We focused on two aspects of inconsistent rate structures in AT&T's Basic Packet Switching Service (BPSS) offering.[22]. While AT&T's proposed a twelve-month notice provision for terminating BPSS, it imposed no similar tariff provisions for other private line services such as Series 2000, Series 3000 and CCSA, and imposed a three-month period in its Terrestrial Digital Circuits tariff offering. As in mileage bands, notice periods for terminations should be uniform unless the justifications for differences are clearly explained. Also, the Commission was concerned about potential imbalances in rates between DDS connections to BPSS and DDS connections to packet switches located on customer premises. We stated that these inconsistencies seemed to be designed to advantage certain customers and to impair competition. As explained in the first guideline, the rates and terms for use of a transmission service should not depend on the type of use or customer, whether it is used in conjunction with another service, or whether it is used in conjunction with particular customer-premises equipment. Similarly, we objected to tariffs charging Other Common Carriers (OCCs) different rates for interexchange, jurisdictionally-interstate channels depending on whether the channels extend between points within a single state or points in different states.[23] Twice the Commission expressed concerns about discrimination through different rate structures for 1.544 Mbps channels limited to certain services.[24] A

[19] *Notice*, 74 FCC 2d at 238, 259.

[20] Bell System Operating Company Tariff F.C.C. No. 6 (BSOC 6) was filed in 1979, and was intended to consolidate all OCC facility offerings into a single tariff. *Id.* at 234. It was subsequently withdrawn.

[21] *Id.* at 238.

[22] 91 FCC 2d 1, 16-17 (1982), FCC 83-221, at 16-19 (released May 26, 1983).

[23] AT&T: Rates for certain Facilities Furnished to Other Common Carriers, 92 FCC 3d 896, 906-07 (1982).

[24] AT&T: First Satellite-Based 'Private Data Service Offering, *supra;* AT&T: Picturephone (R) Meeting Service, 89 FCC 2d 1017 (1982). *See also* AT&T: International Video Teleconferencing Service, Mimeo No. 433 (released October 27, 1983).

remedy is to price these channels consistently regardless of the type of use or customer. Services can be developed using the building block for this transmission channel and, perhaps, building blocks for other transmission channels or functions. Another illustration is the MPL order.[25] We stated that we needed to look into the carrier's inconsistent application of rate deaveraging concepts, in this instance based on facility density, to its like or comparable services.

14. A benefit of consistent rate structures can be seen in our review of AT &T's DDS tariff in 1977.[26] The carrier proposed a rate structure for a four-speed service offering, with the charges for various rate elements increasing with the service speed. Aided by the consistent rate structure, we compared the charges for rate elements associated with different speeds and saw the lack of cost support for the disparities in charges. The carrier alleged that charges for 2.4 kbps rate elements were set at levels close to the estimated corresponding costs, and charges for the rate elements of higher speeds were selected primarily to maintain a reasonable progression of rates with increasing speed. In light of the absence of cost support for these rate differentials, we concluded that the rate differences were unsubstantiated and unlawful.

15. AT&T's Initial Proposal in this proceeding, with two categories of private line tariffs and rate structures, did not achieve consistency and internal rate structure comparability. The Basic Private Line Channels tariffs were built on three rate elements: Local Distribution Sections (LDS) between a customer's premises and a telephone company's Serving Wire Centers (SWC); Interoffice Sections (IOS) between two SWCs; and Channel Supplements, including conditioning, echo control, and other features which improve channel quality or utility. The LDS was priced on a flat, distance insensitive basis, while the IOS was priced based on the airline miles between SWCs. Under the Augmented Services tariff, the customer would be charged for Nodal Access Lines (NALs); each NAL is a two-point transmission path between the customer location and a telephone company Node, possibly including the functional equivalents of an LDS, an IOS, and Channel Supplements. The Augmented Services tariff also proposed the Internodal Trunk (INT) rate element, defined as a two-point transmission path between telephone company Nodes; an INT consisted of one or more IOSs and Channel Supplements. The NAL rate element was priced on a non-distance-sensitive basis while the INT was priced on a distance-sensitive basis. The overlap between rate elements for Basic and Augmented Services resulted in substantially different pricing treatment for the same service functions. For example, the Augmented Services tariff priced the functional equivalent of an IOS in some cases on a non-distance-sensitive basis (as part of a NAL) and in other cases on a distance-sensitive basis (as part of an INT).[27] AT&T did not justify using inconsistent pricing techniques, and the Commission lacked sufficient information to determine the reasonableness of charges derived from inconsistent pricing techniques. Where the same service functions are covered by different rate elements and rate structures in different tariffs, in-kind comparisons become difficult, if not impossible, to perform.[28] When a carrier employs consistent rate structures, the Commission can determine that charges are reasonable and nondiscriminatory with less analysis of costs and fewer comparisons of charges for similar services.

16. AT&T's Modified Proposal combined three rate elements for all private line channels—LDS, IOS, and Service Functions. Despite the apparent simplicity of this single rate structure, a major rate structure inconsistency is evident with regard to intraexchange channels. The LDS element is priced on a flat rate basis while the IOS element is priced based on the airline miles between SWCs. The distance from the customer's locations to the originating and terminating SWCs does not affect the LDS charges. But, the selection of SWCs determines the distance between them, which in turn affects the IOS charges, regardless of the physical routing of the line between them. Total charges are affected by the distance between SWCs, but not by the distance between a customer's locations and the SWCs to which they are connected. This inconsistency can foster discrimination, particularly when the carrier can exercise discretion in the location and choice of SWCs for customers. AT&T did not justify this rate structure or the pricing inconsistencies it caused. A more consistent rate structure would price all point-to-point intraexchange private line channels (e.g., channels for less than a certain distance between customer-designated points or between the rate centers for those points) on a flat-rate basis or all on an airline-mileage basis between customer-designated points. We recently ordered that the ECA's proposed provisions for intraexchange Special Access be restructured under the tariff as a single channel, priced on the basis of either distance between customer-designated points or flat rates.[29] Intercity channels between customer-designated points could, for example, be priced on the basis of charges for intraexchange distribution channels plus charges for airline mileage between rate centers for the cities.

17. *Selection of Rate Elements.* The third guideline in the *Notice* and adopted here requires carriers to select rate elements to reflect market demand for components or packages thereof, pricing convenience for the carrier and customers, and cost characteristics. Also, a rate element which appears separately in one rate structure should appear separately in all other rate structures. Compliance with this guideline facilitates comparison of rate elements, help consumers make intelligent choices among available offerings, and enables competitors to obtain the facilities they demand for interconnection and resale. We recognize that packaging may increase the efficiency with which a carrier provides services, the ease with which a customer obtains services, and customers' satisfaction with services. Yet, in many cases, carriers unnecessarily "bundled" service functions together under one rate element, thus effectively denying customers the option of, or penalizing them for, using less than all the service functions under that element. The *Notice* cited several examples of such bundling.[30] We also objected to unnecessarily "splintered" rate elements, whereby an excessive number of rate elements add confusion and complexity to the rate structure. For example, the BSOC 6 tariff involved four

[25] AT&T: MPL, 74 FCC 2d 1, 46 (1979).

[26] AT&T: Dataphone Digital Service, 62 FCC 2d 744, 792 (1977).

[27] AT&T Initial Proposal 65–66.

[28] *See* comments filed in March 1980 by Independent Data Communications Manufacturer's Association, Ad Hoc Telecommunications Users Committee, Western Union Telegraph Co., MCI Telecommunications Corp., Satellite Business Systems.

[29] *ECA Tariff Order*, at 7–12.

[30] *Notice*, 74 FCC 2d at 245. Examples include combining the access line and switch access charge in Enhanced Private Switched Communications Services (EPSCS); limiting rates for access lines in a tariff only to customers of Common Control Switching Arrangements (CCSA) Service, or rates for TELPAK extension channels only to TELPAK base capacity customers; combining conditioning with the interexchange channel rate element under Series 4000; and combining the channel terminal with the station terminal under Series 2000 and 3000.

different rate elements to represent a point-to-point intracity private line circuit in lieu of the single rate element employed in other tariffs.[31]

18. We have often employed the concepts of this guideline in reviewing tariffs. Five examples will be given. In 1980 we stated our concern over private line tariff provisions which could be a vehicle for discriminating against customers who provide their own equipment, such as imposition of a separate maintenance charge where customer—provided equipment is at fault but not where there is faulty carrier—provided customer premises equipment.[32] This pricing practice would lessen competition in providing customer premises equipment. A separate maintenance charge, if applied, should be an unbundled rate element applicable to all customers. Next, we expressed our concern when AT&T proposed to offer wide-band, terrestrial T-1 carrier links exclusively as part of its satellite-based, end-to-end Series 9000 service. Other potential customers were interested in using these terrestrial facilities but not the end-to-end service. We urged the carrier to make a discrete, cost-based, general offering of the terrestrial transmission facilities.[33] Similarly, we required AT&T to make available earth stations and the space segment for its Satellite Television Service as separate rate elements.[34] Fourth, the Commission recently ordered AT&T to file tariff revisions which unbundled "all [channel service units], CSU-like devices, and digital [network channel terminating equipment] so that any rates and charges associated with these devices, when provided by AT&T, are stated as separate rate elements,"[35] By this action, we sought to promote competition in providing CSU and limit cross-subsidies from transmission services. Fifth, we found fault with AT&T's Picturephone Meeting Service tariff for establishing a separate classification for 1.544 Mbps channels when used with particular terminal equipment. This practice would "obscure the fungible nature of these channels and inhibit their use in non-PMS applications by fashioning a separate tariff classification containing terms and conditions which are earmarked for and preferential of PMS use."[36]

19. Our recent order in CC Docket No. 83-1145 criticized the ECA for unbundling selected cost elements which are generally not separately useful to customers, rather than unbundling service functions which might be separately useful.[37] The proposed Special Access rate structure appeared to simulate physical routing. An end user ordering a private line between two points would order two channels to exchange carriers' wire centers [one for each point, called Special Access Lines], possibly channels interconnecting those wire centers with wire centers serving the customer's interexchanged carrier (called Special Transport), and channels interconnecting the interexchange carrier with its serving wire centers (called Access Connections). Significant distortions between the actual service ordered and the applicable charge would emerge from the selective unbundling of underlying physical elements rather than the unbundling of service attributes intended by this guideline. A customer ordering a channel to interconnect two of its own premises only a hundred yards apart could pay far more than a customer interconnecting two points several miles apart but served by the same wire center. Typically, the carrier has substantial discretion in locating or designating a customer's serving wire center, leading to possible discrimination when large differences in a customer's charges are caused by such choices. Also, designating physical elements by type of use (for interconnection to an End User or Interstate Customer) caused substantial rate differences for the same service function. Morever, no justification was provided for singling out physical routing as the principal, if not sole, cost variable governing the Special Access rate structure. Unbundling based on actual cost characteristics may promote efficient use of telecommunications facilities, 47 U.S.C. 151, and be required to prevent discrimination, 47 U.S.C. 202; *Alabama Elec. Cooperative, supra.* Actual channel routing often does not follow the configuration model underlying this rate structure. All costs, including for billing, marketing, and administration, were treated as though they varied with the length of physical routing. The separate rate elements selected were not generally useful to customers, and were therefore an unnecessary source of complexity. There would be substantial difficulty in interpreting what rates apply in certain situations, possibly leading to carriers' discretionary application of different rates to different customers for the same service. We found this unbundling based on physical routing unlawful, and required pricing of intraexchange point-to-point private line channels on the basis of airline distance between customer-designated points or flat rates.

20. In AT&T's Initial Proposal, the Basic 24 offering bundled T-1 digital carrier systems for local distribution channels together with groups of 24 ordinary voice channels over high-capacity, long-haul systems and with interface devices. *See* para. 10 *supra.* As described above, T-1 systems have many potential uses on a stand-alone basis, but would be offered only as a component in the Basic 24 package. This bundling violates the third guideline; customers would benefit from a general offering of T-1 systems, with the carrier free to incorporate those systems in other offerings as well. The availability of, or rates for, such a transmission channel should not depend on the type of use or customer, on taking other transmission channels as well, or on taking customer premises equipment as well. The same analysis applies to the proposed Augmented Private Line Services tariffs. While carriers should be able to market packages of channels and services,[38] there should be general basis building blocks available to meet market demands. Furthermore, the

[31] *Id.* at 245 n. 42. Antitrust courts have struggled with the delineation of products in the context of tying (bundling) cases. *See. e.g.,* Jefferson Parish Hospital District No. 2 vs. Hyde, 52 U.S.L.W. 4385, 4390-91, 4395 (concurring opinion of O'Connor, J.; "For products to be treated as distinct, the tied product must, at a minimum, be one that some customers might wish to purchase separately *without also purchasing the tying product.")* (March 27, 1984).

[32] AT&T: Maintenance of Service Charge Associated with Private Line Service and Dataphone Digital Service, 82 FCC 2d 370, 372-73 (1980).

[33] AT&T: First-Satellite-Based Private Data Service Offering, *supra.*

[34] AT&T: Series 7008, 87 FCC 2d 889 (1981). *See also* AT&T: International Video Teleconferencing Service, Mimeo No. 433 (released October 27, 1983).

[35] Amendment of Part 68 of the Commission's Rules Concerning Connection of Telephone Equipment, Systems and Protective Apparatus to the Telephone Network, FCC 83-268, at para. 45 (released June 14, 1983), Mimeo No. 1644 (released January 5, 1984). *See also* AT&T: Equalization Filing, 89 FCC 2d 1000, 1005 (1982) (unbundling operator assistance portion of MTS tariff); AT&T: Offer of Facilities to Other Common Carriers, *supra,* at 7 (requiring unbundling of modems and special conditioning from interexchange channel rates for wideband and other services since these elements are stated separately for some other services).

[36] AT&T: Picturephone Meeting Service, *supra,* 89 FCC 2d at 1022-23.

[37] *ECA Tariff Order,* at 7-1 to 7-13, 7-15. *See also id.* at 7-28, 7-54 (unlawful bundling of basic transmission service with other features, use limitations, customer designations, or interface devices).

[38] *See* para. 9, *supra. See also* AT&T: Picturephone (R) Meeting Service, *supra,* 89 FCC 2d at 1025; comments of the Security Industry Association Corp., Aeronautical Radio, Inc. and Air Transport Association of America; United States Steel Corp. v. Fortner Enterprises, 429 U.S. 610, 612 n. 1 (1977); *Hyde, supra.*

offerings of packages and building blocks should use consistent, comparable rate structures.

21. Both splintering and excessive bundling also existed in AT&T's Modified Proposal. The disaggregated rate structure based on physical routing created splintering, similar to that discussed in connection with the ECA tariff (para. 19 *supra*). In addition, unnecessary bundling existed in this rate structure since there was no separate rate element for the connecting link between a SWC and a toll center. While this rate element would not be demanded by an end-to-end AT&T customer, it would be demanded by OCCs.[39] The proposal does not allow us to compare the rates or costs applicable to such a connection by an end-to-end AT&T customer with those which would be associated with an OCC's use of the same connection. The absence of a rate element here may lead to overcharging OCCs. The choice of rate elements and selective disaggregation of costs causes discrimination favoring AT&T. The customer's demand for private line channels is characterized by a communications path between customer-designated points. This rate structure and the Special Access proposal in the ECA tariff would instead require the customer to order channels to wire centers. This type of complex rate structure does not serve market demand or carriers' pricing convenience. Nor does it accurately represent all cost characteristics. Except where it is practical to list all cost elements for a service, tariff rate elements must be based on well-defined service elements (e.g., a transmission path or message transmission between customer-designated points) priced to cover the average cost of providing those service elements. Costs should be recovered in accord with demand for actual service elements rather than by selected disaggregation of cost elements.

22. Another type of problem regarding selection of rate elements appeared in AT&T's Modified Proposal. The guidelines seek to prevent a carrier from charging different rates for similar uses of the same transmission channel by similarly-situated customers. Allowing a carrier to employ non-integrated or inconsistent rate structures impedes regulatory achievement of this goal, as explained in connection with Guidelines One and Two. Carriers can also attempt to charge different rates for similar services employing the same channel by bundling the channel with certain modems, data sets, multiplexers, or other terminal equipment. With this bundling, the carrier can disguise the identity of a channel and charge different rates under different rate structures for similar services. In addition, offerings under the Modified Proposal would designate channels on the basis of throughput capacity (e.g., a 48 kHz private line which may be provided via a group, supergroup, mastergroup, or some other type of channel) rather than facility types. The throughput capacity of many types of channels depends on the attached terminal equipment. Throughput designations can be used to mask the underlying nature of the channel and charge discriminatory prices for similar uses of the channel. Also, this practice can be used to reserve certain facility types for a carrier's preferred users and uses. Withholding broadband and other underlying basic transmission channels from certain customers can lessen a customer's ability to obtain the transmission characteristics it desires, and restrain competition.[40] We believe that a carrier should identify in its tariff the general type of carrier system technology employed in an offering, or the range of fungible carrier systems that would be so employed. But, as a general matter a carrier should not be required to identify the specific facilities used in a given service. For example, it is sufficient for a carrier to specify in its tariff that, under a given rate structure or a given rate element, analog carrier systems are used; it is not necessary to show what types of landline or radio carrier systems are employed or whether the systems are provided via satellite or terrestrial facilities, unless such distinctions are otherwise relevant to the service characteristics or cost of providing the offering. A tariff's private line building blocks should reflect generic categories of actual plant, such as analog versus digital channels, and time versus frequency division techniques. Basic building blocks in AT&T's actual transmission plant available for the provision of private line services include the following facility types: 4 kHz channels (voice-grade), 48 kHz channels (group), 240 kHz channels (analog, supergroup), 2400 kHz channels (mastergroup), 56 kbps channels, 1.544 Mbps channels (digital, including T-1 type carrier systems), 6.3 Mbps channels, telegraph-grade channels, and direct current/metallic channels. An offering should identify which, or what sets, of these transmission channel types is used in a specific service.

23. *Consistently Defined Rate Elements.* The fourth guideline we adopt requires all rate elements involving the same service functions to carry the same name and definition. Definitions of rate elements should identify the service functions or parts thereof covered by each rate element and enable us to develop consistent correlations with underlying cost elements associated with each rate element. Perhaps a carrier can justify charging different prices for the same rate element in different offerings based on cost, competitive necessity, or some other grounds. If so, the rate structures should reveal this rate difference on simple inspection and the justification should also be clearly presented. In the *Notice* we cited several examples of inconsistency in rate element use, including different coverage of the rate element "interexchange channel" in Series 2000/3000 and Series 4000, and inconsistent use of the "facility equipment package" rate element for intracity and intercity channels in the BSOC 6 tariff.[41] We also found totally different nomenclature used to designate similar or identical rate elements under different rate structures, such as calling the intercity transmission line-haul function "base capacity" in the TELPAK tariff, "facility section" under BSOC 6, and "interexchange channel" under Series 1000–4000.[42] When a carrier introduces a new rate element in a new service, its functional distinction from other rate elements in other services should be clear.

24. Our support for a guideline requiring consistently defined rate elements is illustrated by our concerns about two proposed tariffs. In the first, AT&T proposed a separate local distribution channel rate element for pricing 56 kpbs DDS connections to BPSS machines at AT&T central offices. A local distribution channel rate element, however, already existed in the tariff which covered all DDS connections within a given DDS serving area, regardless of the premises at which the customer station was located. Furthermore, the rate proposed for the BPSS connection was about one-fifth the generally-applicable rate for local

[39] *See* Further Responsive Comments filed in June 1980 by Western Union Telegraph Co. at 16–20. *See also* June, 1980 comments by Satellite Business Systems, American Satellite Corp., MCI Telecommunications Corp., Southern Pacific Communications Co.

[40] *See* comments filed in June 1980 by Western Union Telegraph Co. at 6–15, Ad Hoc Telecommunications Users Committee at 16–20.

[41] *Notice*, 74 FCC 2d at 243–44. *See also* Associated Press v. FCC, 452 F.2d 1290, 1300 (D.C. Cir. 1971) ("[n]ot every variation in prices charged customers for a particular feature of the carrier's service supports a claim of unlawful discrimination").

[42] *Id.* at 244–45.

distribution channels. The Tariff Division required justification for this inconsistent use and pricing of a rate element; AT&T subsequently deleted the proposed inconsistent rate element in the BPSS tariff.[43] Also, our order on the ECA tariff pointed to possible overlaps and inconsistencies in the uses of "Design Change Charge" for "engineering review" versus "Additional Engineering Charge" for "engineering or engineering consultation;" in uses of "Expedited Order Charge" versus special construction charges and additional labor charges applied in situations where expediting is necessary; and in uses of Planned Facilities Order versus Acces Order versus Special Construction Order.[44] These overlapping and inconsistently-applied rate elements foster customer confusion and discretion for the carrier to impose discriminatory charges. Rate elements should be consistently defined and employed.

25. AT&T's Initial Proposal did not conform with this guideline. The proposed nomenclature and rate elements did not correspond to underlying functions in a consistent manner. The service functions which in the Basic Private Line Channels tariffs were covered by the LDS and IOS rate elements appeared under the NAL and INT rate elements in the Augmented Private Line Services tariffs. In addition, the Node for augmented services could have been the same functional entity as the SWC for basic channels. The guidelines seek to avoid such structural differentiation which impairs comparisons among and between services using the same underlying plant.

26. Under AT&T's Modified Proposal, two rate element designations were proposed for central offices, "Node" and "SWC." These rate elements were not mutually exclusive. While a Node was a central office where certain engineering functions (e.g., bridging and switching) were provided, the same functions often could be provided at a central office designated as a SWC for certain customer locations. When a customer's SWC does not provide these functions, the customer may be charged for a channel connecting his SWC to a Node. No such charge applied when a customer's SWC provided these functions, as when a customer's CCSA switch was located in a SWC with Node functions. Discriminatory pricing could result from a rate structure giving a carrier discretion to determine rate element designations and customer charges through decisions on where to locate certain equipment and how to route a customer's lines. The resulting discriminatory rate structure favors customers using colocated SWCs and Nodes as opposed to customers not using the optional functions of a Node or using Nodes not colocated with their SWCs. While this problem is reduced for AT&T's tariffs post-divestiture, it persists in the special access tariffs of exchange carriers. In all such cases, it would be preferable to charge for a service function regardless of intraexchange physical routing. *See* paras. 11, 16, 19, *supra*.

27. In connection with this guideline, we are also concerned about inconsistent uses of the LDS and IOS rate elements in AT&T's Modified Proposal. There is no rate element proposed which simply covers the channel connecting a customer-designated location to a central office where connection to an interexchange transmission link can be made. In some cases this function is covered by the LDS rate element while in others it is covered by the LDS plus IOS rate elements. This appears to shift costs for certain private line customers from local distribution to interexchange channels. It would be preferable to have a single rate element cover the same service functions in all cases so that, among other benefits, cost elements could be consistently matched with service functions. Rate elements of lesser functional scope, comporting with demand characteristics, could also be defined in accord with Guideline Three.

28. *Simple Rate Structures.* We also adopt a fifth guideline, that rate structures, and associated terms and conditions, should be simple and easy to understand. Tariffs should be complete in themselves, using cross-references only to avoid complexity or excessive length. Definitional ambiguities and complexities impair analysis of rate structures by the Commission and selection of the most advantageous services and options by customers. Thus, tariffs must be structured in a logical fashion which first defines the service being offered and then the discrete units of service for which the customer will be charged. The *Notice* cited examples of poorly-defined terms and convoluted definitions in AT&T's Tariff 260 and the BSOC 6 tariff.[45]

29. The Commission's support for this guideline is reflected in our rules. *See* 47 CFR §§ 61.55(f) (requiring clear and explicit explanatory statements regarding the rates and regulations contained in the tariff), 61.55(g) (requiring a clear and definite statement of the general rules, regulations, exceptions, and conditions which govern the tariff), 61.55(h) (requiring an explicit statement of charges and geographic availability of a service arranged in a simple and systematic manner, and prohibiting use of complicated or ambiguous terms). In 1981 we rejected by Bureau order a tariff covering Exchange Network Facilities for Interstate Access (ENFIA) in part because it violated 47 CFR 61.55(f).[46] The tariff was unclear as to when ENFIA charges apply in an MTS or WATS resale situation. Revisions to an OCC Facilities Tariff were rejected as unclear and confusing by Bureau order in 1982.[47] The revised tariff stated that certain facilities offered therein may not be used in the provision of Execunet/Sprint-type or any other end-to-end MTS/WATS-type interstate service; for such uses the customer was referred to the ENFIA tariff. However, the ENFIA tariff, in seeming contradiction, stated that those facilities would be provided in accordance with the regulations, rates and charges in the tariff subject to the proposed revisions. The order recommended eliminating: (1) The cross-referencing provision which created the impression that somewhat different facilities are or could be offered under the ENFIA tariff and that different rates are or could be applicable, and (2) the use restrictions in the proposed revisions. Another Bureau order rejected as ambiguous a tariff which did not clearly indicate whether the service in question—physically-intrastate 1.544 Mbps channels for interstate use in connection with private communication systems—was to be offered under state tariff exclusively or concurrently under both state and federal tariffs.[48]

30. The *ECA Tariff Order* pointed to several ambiguous terms and provisions which caused confusion about applications of the proposed rate structure, including the definitions of "Interstate Customer" versus "End User," failure to set forth in a single

[43] Letter from Chief, Tariff Division to W. E. Albert, AT&T (March 10, 1982). *See* AT&T: BPSS, 94 FCC 2d 48, 59–60 (1983); AT&T: BPSS, 91 FCC 2d 1 (1982).

[44] *ECA Tariff Order*, at 5–1, 5–15, 5–18.

[45] *Notice, supra*, 74 FCC 2d at 241–43.

[46] AT&T: Revision to Bell System Operating Companies Tariff F.C.C. No. 8, ENFIA, Mimeo No. 1153 (released May 29, 1981).

[47] AT&T: Facilities for Other Common Carriers, Mimeo No. 5363, at 5–6 (released July 27, 1983).

[48] AT&T: 1.544 Mbps Channels for Connection With Private Interstate Communications Systems, Mimeo No. 636 (released November 8, 1983). *See also* U.S. Department of Defense, *supra*.

tariff provision the applications of and exemptions to the Special Access Surcharge, and unspecified provisions such as "additional charge may apply." We also objected to the numerous instances in which rates for service elements were not set forth in the tariff but rather were to be established on an "individual case basis." We stated that generally-applicable regulations and rates for these service elements should be set forth in the tariff upon the first customer order.[49]

31. To illustrate further the application of this guideline, we find that AT&T's Initial and Modified Proposals did not present a simple, easy-to-understand rate structure.[50] Both proposals use distances between SWCs, calculated on the basis of distinct vertical and horizontal coordinates for each SWC, to develop charges for intercity as well as intracity channels. This is in contrast to the historic practice for intercity channels of using a single set of vertical and horizontal coordinates for all customer-designated locations in a given city. The proposals will add thousands of new coordinates and thereby complicate rate calculations for the carrier and customers. Also, instead of being able to determine the rate center from the city name itself, customers would have to determine rate centers based on SWCs from the first three digits of the telephone number of each customer-designated location. There could be no simple mileage matrices for rate calculations; rather than showing mileages between major cities, the matrices would have to include thousands of street addresses or area codes and three-digit telephone number prefixes. Moreover, customers requiring switching, bridging or other functions provided at Nodes would have to find out from the carrier where these Nodes are located to determine the distances between the SWCs and Nodes. Under present tariffs, multi-point channels are configured for pricing purposes so that the least number of intercity channel miles results, regardless of actual physical routing. The proposals leave unclear whether this practice would apply. In any case, massive efforts to reconfigure and reprice private line systems would result from the SWC pricing approach. We are not convinced that the costs of the complexity generated by this pricing approach are outweighed by any benefits which would make the rate structure in the public interest.

[49] *ECA Tariff Order*, at Appendix D, 2-75, 7-63, 8-15, 11-2, 12-2.

[50] *See* comments filed in March 1980 by Ad Hoc Telecommunications Users Committee.

III. Volume Discounts

32. The *Notice* discussed our standards for private line volume discounts established through a series of decisions on AT&T's TELPAK offering.[51] Under those decisions, the following standards apply to volume discounts:[52]

(1) The discriminatory bulk discount classification must be cost justified, i.e., it must be proved that there are material cost savings associated with provision of the service on a volume basis.

(2) The discount rate must be an exact reflection of such cost savings and must also be targeted to recover full costs on an FDC [Fully Distributed Cost] basis.

(3) Absent proof of cost justification, or upon departure from FDC Method based rates which mirror actual cost savings, no discriminatory discount rates may be filed absent a waiver. Waiver may be granted upon proof that the rate differential is required by competitive necessity,[53] or upon other policy considerations.

The Notice expressed our concern that limitations on volume discounts may cause inefficiencies in use of telecommunications facilities, contrary to a goal of the Communications Act, 47 U.S.C. § 151. We proposed that where volume discounts are reflected in rate structures, the carrier must explain the quantities at which the discounts would apply, the amounts of the discounts, the basis for the discounts, and any significant restriction in use or by classification of customer.[54] We also asked a variety of questions to evaluate the effects of volume discounts.

33. AT&T commented that volume discounts can be an effective means by which to advance the public interest goals expressed in the Communications Act. AT&T stated that, with the growth of competition in telecommunications services, the Commission should apply more liberal standards for lawful volume discounts.[55] Other commenters emphasized AT&T's dominance and the threat to competition of more liberal standards for volume discounts.[56]

34. In *Aeronautical Radio, supra*, 642 F.2d at 1230, the D.C. Circuit upheld the Commission's discretion to apply an FDC standard for determining just, reasonable, and nondiscriminatory rates. The Court stated that an FDC standard should not be an inflexible barrier to rate competition because the Commission's order contemplated lawful departures from FDC pricing when the carrier can justify them on the grounds of efficiency, competitive necessity, or other public interest grounds (*citing* 61 FCC 2d at 663-68). An argument favoring the FDC standard over an incremental cost approach recognized by the Commission and court is that the former is more susceptible to regulatory control and leaves the carrier less discretion to discriminate.

35. For the reasons discussed *infra*, we believe that we should not apply a strict FDC standard with a stringent showing of competitive necessity to all volume-discounted private line and special access offerings. Our scrutiny of volume discounts will depend primarily on structural considerations—volume-discounted offerings should be integrated into a rate structure of similar service offerings with no restrictions on customers or uses. This integration, together with our policies promoting resale, sharing, and reasonable interconnections, will limit a carrier's ability to discriminate. It is easier and more beneficial to the public interest for the Commission to limit discrimination by inspecting a carrier's rate structure than by delving into a carrier's detailed cost justification applying an FDC standard, incremental cost approach, or some other pricing practice.

36. We first consider the question of whether all volume discounts which cannot be justified through an FDC study injure competition to the

[51] AT&T (Docket No. 18123), 61 FCC 2d 587, 656 (1976), 64 FCC 2d 971, 985-87 (1977), *aff'd in part sub nom.* Aeronautical Radio, Inc. v. Federal Communications Commission, *supra*. *See also* American Trucking Associations, *supra*, 377 F. 2d at 124-27.

[52] *Notice*, 74 FCC 2d at 250-51.

[53] To show competitive necessity, the carrier must show, *inter alia*, (1) the existence and extent of alternative supply sources on a route by route basis; and (2) the attractiveness of alternatives for a particular user, addressing concerns of size, variability, growth characteristics, route and length of haul, economic considerations, service quality, reliability and flexibility. *Id.* at 251. The D.C. Circuit affirmed and Commission's finding that AT&T failed to prove that TELPAK A and B rates were justified by competitive necessity. *American Trucking Associations, supra*. In AT&T v. FCC, 449 F.2d 439, 449-50 (2d Cir. 1971), the Second Circuit affirmed the Commission's requirement that, in order to meet the burden of proving competitive necessity to justify discriminatory restrictions on sharing TELPAK, AT&T must show "more than a probability that a significant number of customers would shift to" an alternative. Rather, AT&T must show that those customers eligible to benefit from the practice "*would* in fact shift" to the alternative.

[54] *Id.* at 254-55.

[55] *See* Comments filed in January 1980 by AT&T at 84.

[56] *See* comments filed in March 1980 by Ad Hoc Telecommunications Users Committee at 27-28, MCI Communications at 13-19, Southern Pacific Communications Co. at 7-9, and Western Union Telegraph Co. at 7-15.

detriment of consumers. There is a difference between injuring competition and injuring, or even forcing into bankruptcy, a competitor.[57] Inefficient competitors can be driven out of a market by normal price competition; yet, this competition benefits consumers by lowering the price and raising the quality of services and products available to them. In contrast, actions which exclude efficient competitors from a market may harm consumers by allowing the remaining firm or firms profitably to provide unreasonably high-priced or poor-quality services and products. In two recent antitrust cases, TELPAK was found not to be predatorily priced.[58] The Seventh Circuit rejected an FDC standard for predatory pricing:[59]

> Pricing at or above long-run incremental cost in a competitive market is a rational and profitable business practice. Because there are legitimate, and in fact compelling, business reasons for pricing products at or above their long-run incremental cost, no predatory intent should be presumed or inferred from such conduct.

The court then addressed the benefits to consumers of allowing a carrier to price a volume-discounted service in excess of its long-run incremental cost but below an FDC standard:[60]

> Constraining AT&T to FDC pricing of its competitive services thus runs the risk of permitting actually or potentially less efficient competitors to serve a growing segment of the telecommunications market and thus deprive consumers of the benefits of price competition.

Many other courts and scholars found that maintaining a price floor above marginal cost, such as FDC pricing for volume discounts, encourages underutilization of productive resources and impairs competition on the basis of relative efficiency.[61] These results are contrary to the goals of the Communications Act.[62] We reject claims that all volume discounts for private line and special access offerings that cannot be justified by FDC studies are unjust or unreasonable because of injury to competition.

37. Another claim about volume discounts which do not comply with FDC pricing is that they involve cross-subsidies, thereby discriminatorily increasing the cost burden on small users. The argument here is that if large users pay rates that do not cover FDC, then small users must pick up the "shortfall," i.e., must pay rates covering more than FDC. This argument is flawed by overlooking the competitive alternatives that may allow large users to avoid paying rates equal to a particular carrier's FDC. In fact, these alternatives would allow the large users to avoid making any contribution to help cover the particular carrier's costs. These alternatives include other carriers' offerings as well as private microwave, satellite, and radio systems. Allowing a particular carrier to charge a rate between its marginal and fully-distributed costs may assure that a customer who might have turned to alternative sources of supply will help defer that carrier's costs that otherwise would fall on monopoly subscribers.[63] For certain services, a small user's rates may be lower when large users of that service are charged less than FDC prices, compared to when there is a smaller number of large users who are charged FDC prices. Volume discounts priced between FDC and marginal costs may promote reasonably-priced services for small as well as large users, a goal of the Communications Act, 47 U.S.C. 151.

38. A related concern focuses on discrimination. The mere offering of volume discounts to all people does not make them permissible under the Communications Act.[64] The five guidelines adopted in this Order should help decrease the possibility of having two similarly-situated customers who order the same quantity of a service with volume discounts charged different rates. Any such rate structure would be unlawfully discriminatory. For example, a carrier cannot lawfully restrict the customers or uses for a volume-discounted offering.[65] In particular, resellers and sharers must be allowed to take a volume-discounted offering on the same terms as a single, high-volume customer.[66] Resale and sharing helps many small users benefit from volume discounts. Volume discounts should be offered without indirect restrictions on resale and sharing, *e.g.*, requiring a long notice period before a customer can discontinue using a service, onerous ordering and deposit requirements, and technical impediments to resale. Integrated, consistent rate structures and these market forces also limit a carrier's financial incentives to develop volume discounts designed to favor a few customers. When many customers are able to use a volume-discounted offering, the carrier may lose revenues from some customers who would have been willing to pay non-discounted rates

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[57] *See, e.g.*, National Society of Professional Engineers v. United States, 435 U.S. 679, 691 (1978); Brunswick Corp. v. Pueblo Bowl-O-Mat, Inc., 429 U.S. 477, 488 (1977); Brown Shoe Co. v. United States, 370 U.S. 294, 344 (1962).

[58] MCI Communications Corp. v. American Telephone and Telegraph Co., 708 F. 2d 1081, 1130–31 (7th Cir.), *cert. denied*, 104 S. Ct. 234 (1983); Southern Pacific Communications Co. v. American Telephone and Telegraph Co., 556 F. Supp. 825, 914–72 (D.D.C. 1982).

[59] *MCI*, 708 F. 2d at 1123.

[60] *Id.* at 1125.

[61] Northeastern Telephone Co. v. American Telephone and Telegraph Co., 651 F. 2d 76, 87 (2d Cir. 1981), *cert. denied*, 455 U.S. 943 (1982). No court has recently held that pricing below FDC is *per se* predatory, with several courts expressing their approval for a marginal cost test. *See, e.g.*, International Air Industries v. American Excelsior Co., 517 F. 2d 714, 724 (5th Cir. 1975) ("forcing a monopolist to charge a price higher than marginal cost could reduce industry output and waste economic resources in the short-run"), *cert. denied*, 424 U.S. 943 (1976); Superturf, Inc. v. Monsanto Co., 660 F. 2d 1275 (8th Cir. 1981); Pacific Engineering & Production Co. v. Kerr-McGee Corp., 551 F. 2d 790, 797 (10th Cir.), *cert. denied*, 434 U.S. 879 (1977); William Inglis & Sons Baking Co. v. ITT Continental Baking Co., 668 F. 2d 1014 (9th Cir. 1981), *cert. denied*, 103 S. Ct. 58 (1982); Barry Wright Corp. v. ITT Grinnell Corp., 724 F. 2d 227 (1st Cir. 1983). *See also* Areeda & Turner, *Predatory Pricing and Related Practices Under Section 2 of the Sherman Act*, 88 Harv. L. Rev. 697 (1975); Baumol, Quasi-Permanence of Price Reductions: A Policy for Prevention of Predatory Pricing, 89 Yale L. J. 1 (1979); Joskow & Klevorick, *A Framework for Analyzing Predatory Pricing Policy*, 89 Yale L. J. 213 (1979); Zerbe & Cooper, An Empirical and Theoretical Comparison of Alternative Predation Rules, 61 Tex. L. Rev. 655 (1982). As to prices that exceed both "average" and "incremental" cost, "virtually every court and commenter agrees" that they are lawful under the antitrust laws, "perhaps conclusively, but at least presumptively." P. Areeda & D. Turner, Antitrust Law para. 711.1c at 118 (1982 Supp.).

[62] We have expressed our concern about the harmful effects of certain rate structures in causing incentives to use less efficient carriers and "uneconomic bypass;" such pricing threatens the Communications Act's goals of reasonable rates for services, widely-available telephone service, and efficient utilization of telecommunications facilities. MTS and WATS Market Structure, 48 FR 42984 (September 21, 1983), FCC 84-36 (released February 15, 1984); 47 U.S.C. 151.

[63] "If AT&T were forced to price at FDC levels in competitive markets, its monopoly customers would probably be worse rather than better off. Because of the elasticity of demand in competitive markets, any rate substantially above [long-run incremental cost] would cause AT&T to lose business against an equally efficient competitor and, hence, decrease AT&T's actual revenue from competitive markets. There would thus be less revenue available from competitive services to contribute to the firm's joint or common costs, and monopoly customers would be required to provide a greater share of these costs." *MCI, supra*, 708 F.2d at 1124. *See also Northeastern Telephone, supra*, 651 F.2d at 90 (The plaintiff "seems to believe that whenever a product's price fails to cover fully distributed costs, the enterprise must subsidize that product's revenues with revenues earned elsewhere. But when the price of an item exceeds the costs directly attributable to its production, that is, when price exceeds marginal or average variable cost, no subsidy is necessary. On the contrary, any surplus can be used to defray the firm's non-allocable expenses.").

[64] American Trucking Associations, *supra*, 377 F. 2d at 131.

[65] *See* AT&T: BPSS, *supra*; AT&T: First Satellite-Based Private Data Service Offering, *supra*.

[66] Resale and Shared Use, 60 FCC 2d 261 (1976), *aff'd sub nom.* AT&T vs. Federal Communications Commission, 572 F. 2d 17 (2d Cir.), *cert. denied*, 439 U.S. 895 (1978); Resale and Shared Use of Domestic Public Switched Network Services, 83 FCC 2d 167 (1980).

for the service but instead take advantage of a volume discount: (1) By selecting that offering from an integrated, consistent rate structure, or (2) through resale, sharing, or interconnection with the volume-discounted offering.

39. Competition is growing for all domestic services offered by all carriers.[67] A less rigorous evidentiary burden would be in the public interest for showing that a volume discount for a private line or special access offering is not discriminatory because it meets competition and thereby promotes reasonable rates for all users. The Supreme Court held in 1983 in a price discrimination case under the Robinson-Patman Act that "a seller must limit its lower price to that group of customers reasonably believed to have the lower price available to it from competitors."[68] The Court found that a business choosing to price on a territorial rather than customer-by-customer basis can meet its burden of proving competitive necessity by showing that "a reasonable and prudent businessman would believe that the lower price he charged was generally available from its competitors throughout the territory and throughout the period in which he made the lower price available."[69] For purposes of Section 202 of the Communications Act, a carrier may be able to meet its burden of proving a competitive-necessity justification for a lower rate without showing that each customer taking the discounted offering actually would switch to an equal or lower priced alternative. A carrier's proof should include a showing that: (1) An equal or lower priced competitive alternative—a similar offering or set of offerings from other common carriers or customer-owned systems—is generally available to customers of the discounted offering; (2) the terms of the discounted offering are reasonably designed to meet competition without undue discrimination; and (3) the volume discount contributes to reasonable rates and efficient services for all users. We will assess the adequacy of the competitive-necessity justification on a case-by-case basis until we are able to develop additional standards in this area.

40. In light of this analysis, we find that requiring all private line and special access volume discounts to be justified by an FDC study does not promote the goals of the Communications Act.[70] Greater pricing flexibility in volume discounts may benefit large as well as small users, not injure competition, and not be discriminatory. An integrated rate structure without customer or use restrictions would limit opportunities for discrimination, and thereby replace the need for detailed cost justification applying a particular pricing standard. In addition, competitive necessity may justify volume discounts when equal or lower priced alternatives are generally available to a carrier's customers. These findings lead to two sets of questions about new guidelines for private line and special access volume discounts.

41. First, how should volume discounts fit into rate structures for private line services? In Section II *supra*, we criticized AT&T's proposal for Basic 24 because it was not part of the same rate structure as the Basic 1 offering, and because it would limit the availability of T-1 digital carrier systems to a package with groups of long-haul channels and interface devices. Offerings with volume discounts should be integrated into the same rate structures as similar, lower-volume offerings. These integrated rate structures should not restrict the availability of any offering or volume to particular customers or uses, or otherwise erect barriers to resale, sharing, and interconnection. Nor should they provide for more or less bundling for offerings with different volumes. We seek to eliminate the carrier's ability to discriminate by targeting a volume discount to a particular segment of customers through restrictions. In addition, if the generic categories of plant used for offerings in a rate structure differ with the volume of the offering, the rate structure should show those differences and explain why certain categories of plant are associated with certain volumes.

42. Second, what is a reasonable maximum rate for an offering, such as for small users of a service which has a volume discount below FDC pricing, and what is a reasonable minimum rate for a volume discount? The Commission prescribed an Interim Cost Allocation Manual designed to allocate AT&T's costs between four categories of services: MTS, WATS, all of AT&T's private line services, and AT&T's Exchange Network Facilities for Interstate Access (ENFIA) services.[71] We require AT&T to file tariff revisions targeting the earnings for each of the first three categories at the prescribed rate of return for interstate operations. A more liberal volume discount policy could be implemented without disrupting this regulatory scheme;[72] the category of all of AT&T's private line services and all of an exchange carrier's special access services would have rates targeted to earn a lawful rate of return. We will consider each volume discount for a private line or special access service individually until we develop sufficient experience to establish pricing guidelines. We do not hereby adopt a marginal cost, long-run incremental cost, average variable cost, or any other specific standard for the reasonableness of volume discounts. Our primary concern will be whether the discount fits into an integrated rate structure of similar service offerings. We will also look to whether the volume discount contributes to meeting competition, as described in para. 39 *supra*, and to reasonable rates and efficient services for all users.

IV. Conclusion and Ordering Clause

43. In conclusion, we believe that compliance with the preceding guidelines and findings regarding volume discounts will benefit consumers and competition, and decrease the burden of tariff review on the Commission and carriers. Consumers will benefit from rate structures which facilitate detection and prevention of unjust, unreasonable, and discriminatory terms and conditions, and facilitate rapid implementation of services that consumers want. Simple rate structures will help consumers choose the most attractive service options for them. Small and large users also will benefit from efficiently-priced, volume-discounted offerings by which large users help cover a larger share of a carrier's non-traffic sensitive costs. Competiton will benefit from rate structures which are nondiscriminatory, facilitate selection of the most advantageous offerings and make unbundled facilities and any volume-discounted offerings available to interconnected and resale carriers. Also, compliance with these guidelines and findings can speed the Commission's tariff review and complaint processes. Finally, carriers filing tariffs that comply with these guidelines and findings will

[67] *See* Competitive Carrier Rulemaking, *supra;* Long-Run Regulation of AT&T, *supra.*

[68] Falls City Industries v. Vanco Beverage, 103 S. Ct. 1282, [1983-1] Trade Cas. (CCH) para. 65,282, at 69,661 (1983).

[69] *Id.*

[70] The Commission does not here address the issue of volume discounts for switched services.

[71] AT&T: Manual and Procedures for the Allocation of Costs, 84 FCC 2d 384, *reconsid.*, 86 FCC 2d 667 (1981), *off'd sub nom.* MCI Telecommunications Corp. v. Federal Communications Commission, 675 F. 2d 408 (D.C. Cir. 1982): AT&T: Equalization Filing, *supra.* After divestiture, AT&T does not provide ENFIA services.

[72] We are examining possible revisions to this regulatory scheme in Long-Run Regulation of AT&T's Basic, Domestic, Interstate Services, *Supra.*

gain flexibility and save costs from faster tariff review.

44. We adopt the guidelines and findings in this Order pursuant to 47 U.S.C. 154(i), 201–05. The attachment shows the five guidelines as rules. The guidelines set forth herein are effective on the date of publication in the Federal Register.[73] So ordered.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachment

PART 61—[AMENDED]

Part 61 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

Section 61.40 is added to read as follows:

§ 61.40 Private line rate structure guidelines.

(a) The Commission uses a variety of tools to determine whether a carrier's private line tariffs are just, reasonable, and nondiscriminatory. The carrier's burden of cost justification can be reduced when its private line rate structures comply with the following five guidelines.

(1) Rate structures for the same or comparable services should be integrated;

(2) Rate structures for the same or comparable services should be consistent with one another;

(3) Rate elements should be selected to reflect market demand, pricing convenience for the carrier and customers, and cost characteristics; a rate element which appears separately in one rate structure should appear separately in all other rate structures;

(4) Rate elements should be consistently defined with respect to underlying service functions and should be consistently employed through all rate structures; and

(5) Rate structures should be simple and easy to understand.

(b) The guidelines do not preclude a carrier, in a given case when a private line tariff does not comply with these guidelines, from justifying its departure from the guidelines and showing that its tariff is just, reasonable, and nondiscriminatory.

[73] The Commission finds that because these guidelines will facilitate the development and review of tariffs and public benefits will be derived from putting them into effect without delay, an immediate effective date is in the public interest. 5 U.S.C. 553(d).

Concurring Statement of FCC Commissioner James H. Quello

April 11, 1984.

In re: Private Line Rate Structure and Volume Discount Practices, CC Docket 79–246.

I am concurring in this matter only because the majority seems to perceive significant administrative utility and because there have been sufficient expressions of concern to alert the Common Carrier Bureau to the dangers of a doctrinaire application of the guidelines. I remain unconvinced that the guidelines provide much useful guidance to the carriers. On the other hand, the guidelines lend themselves to subjective application leaving the carriers to guess at which of two or more conflicting goals is paramount in any given tariff review. I am in full accord with the advice given the Commission by its Office of Plans and Policy which warned that a strict interpretation of all of the guidelines would permit a finding that any conceivable tariff is unlawful.

I am not suggesting that, at this point, the Commission no longer has a tariff review responsibility. We must continue to scrutinize the tariffs filed by the dominant carrier and the operating companies to ensure that they do not abuse their market power. The other side of that coin requires that the Commission not make unreasonable or impossible demands for a precision which is both unreasonable and unnecessary. To the extent the guidelines are interpreted so as to unnecessarily restrict the carriers' ability to experiment with new rates or offerings, they can only harm the public interest.

I support the majority's finding (at para. 40) that requiring all private line volume discounts to be justified by a fully distributed cost (FDC) study does not promote the goals of the Communications Act. Marginal cost is the only rational basis for pricing in a competitive world.

[FR Doc. 84–11340 Filed 4–26–84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-995; RM-4507]

Television Broadcast Station in Phoenix, Arizona; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF Television Channel 45 to Phoenix, Arizona, as that community's seventh commercial television service, in response to a petition filed by United Television, Inc.

DATE: Effective: June 26, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations. (Phoenix, Arizona) (MM Docket No. 83–995 RM–4507).

Adopted: April 17, 1984.

Released: April 20, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it the *Notice of Proposed Rule Making* (48 FR 43196, published September 22, 1983), proposing to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, by assigning UHF Television Channel 45 to Phoenix, Arizona,[1] as its seventh commercial service. The *Notice* was issued in response to a petition for rule making filed by United Television, Inc. ("petitioner"). Petitioner submitted comments in support of the *Notice* and indicated an interest in applying for the channel, if assigned. No other comments were received.

2. We believe that petitioner has adequately demonstrated the need for a seventh commercial television assignment to Phoenix, Arizona, and that the public interest would be served by assigning UHF Television Channel 45 to that community. The channel can be assigned in compliance with the minimum distance separation requirements of the Commission's Rules.

3. Mexican concurrence has been received.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective

June 26, 1984, the Television Table of Assignments, § 73.606(b) of the Rules, is

[1] The petitioner had originally proposed to dereserve Channel *39 (vacant) at Phoenix, making that channel available for commercial use. As stated in the *Notice*, the Commission generally does not remove the reservation when an alternate channel is available for commercial use.

amended, with respect to the community listed below:

City	Channel No.
Phoenix, Arizona	3+, 5−, *8+, 10−, 15−, 21, 33, *39, 45.

4. It is further ordered, that this proceeding is terminated.

5. For further information contact Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

[Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.]

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84–11343 Filed 4–26–84; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 49, No. 83
Friday, April 27, 1984

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 122

Business Loans; Export Revolving Line of Credit

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: 13 CFR Part 122.401 requires that all applicants for an Export Revolving Line of credit (ERLC) must have been in operation for at least 12 full months prior to filing an application. This proposed amendment would permit exceptions to this rule on a case by case basis where the regional office determines that management of the applicant has sufficient export trade experience or other strengths to warrant a waiver.

DATE: Comments must be received on or before May 29, 1984.

ADDRESSES: Written comments, in duplicate, may be sent to the Director, Office of Business Loans, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416

FOR FURTHER INFORMATION CONTACT: Everett E. Shell, Chief, Loan Processing Branch, Office of Business Loans, (202) 653-6470.

SUPPLEMENTARY INFORMATION: The present rule was formulated to bar new businesses from the ERLC loan program on the ground that exporting is sufficiently complex to warrant the exclusion of newly formed firms. Since inception of this program, several situations have come to our attention where ERLC financing appeared justifiable to firms which had been in business less than 12 months. Examples include cases where the management of newly organized firms had previously established solid records of success in exporting. The proposed rule will provide for exceptions to the 12 month requirement on a case by case basis. It is not intended that ERLC loans be routinely approved to new businesses. For this reason it is proposed that exceptions be authorized only by a regional office waiver in cases where managerial and financial strengths are sufficient to outweigh the lack of an established operating record.

SBA has determined that this proposal does not constitute a major rule for the purpose of Executive Order 12291. In this regard we are certain that the annual effect of this rule on the economy will be less than $100 million. In addition this proposed rule, if promulgated as final, will not result in increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies and will not have adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States enterprises to compete with foreign based enterprises in domestic or export markets. The effect of the rule should enhance U.S. export competitiveness by extending ERLC loan eligibility to a limited number of firms which are now excluded from the program.

The proposed change does not impose recordkeeping requirements on any party. It also does not impose reporting requirements other than those already approved under OMB No. 3245-0016. Alternatives would include retaining the present rule, which we now believe to be unduly restrictive, or to allow program eligibility to all new businesses, which we believe to be imprudent.

List of Subjects in 13 CFR Part 122

Loan programs/business, Small businesses, Export loans.

PART 122—BUSINESS LOANS

Accordingly, pursuant to the authority in Section 5(b)(6) of the Small Business Act (15 U.S.C. 631 et seq.) it is proposed that § 122.401 of Chapter I, Title 13 of the Code of Federal Regulations be revised to read as follows:

§ 122.401 Eligibility.

An applicant for an ERLC loan, in addition to meeting the eligibility criteria applicable to all section 7(a) loans, must have been in operation for at least 12 full months prior to filing an application. This 12 month requirement may be waived by the regional office if the management of the applicant has sufficient export trade experience or other management ability to warrant an exception to the general rule. Wavers can be made only by regional office officials who have delegated authority to approve ERLC loans.

(Catalog of Federal domestic Assistance Program No. 59.012 Small Business Loans)

Dated: March 12, 1984.

James C. Sanders,
Administrator.

[FR Doc. 84-11399 Filed 4-26-84; 8:45 am]
BILLING CODE 8025-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 2H5355/P344; PH-FRL 2576-8]

Cyromazine; Proposed Tolerance

AGENCY: Environment Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to establish a feed additive regulation to permit residues of the insecticide cyromazine in or on poultry feed. The proposed regulation to establish the maximum permissible level for residues of the insecticide in or on the commodity was requested in a petition submitted by Ciba-Geigy Corporation. This proposed regulation proposes that the maximum permissible residue level would expire on December 31, 1985, by which time the Agency will have received and evaluated the data requested in the companion registration document appearing in this issue of the Federal Register and will have made a reassessment of the maximum permissible level of cyromazine and its metabolite, melamine.

DATE: Comments, identified by the document control number [FAP 2H5355/P344], must be received on or before May 29, 1984.

ADDRESS: Written comments by mail to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environment Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all

of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m., to 4 p.m., Monday through Friday, excluding legal holidays.

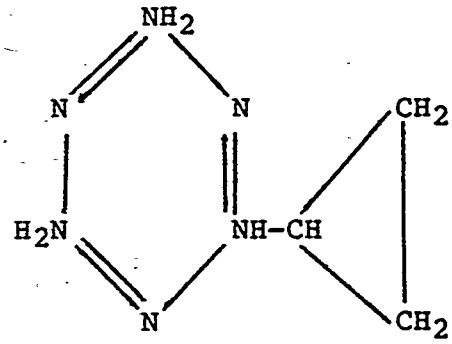
FOR FURTHER INFORMATION CONTACT: By mail: Timothy Gardner, Product Manager (PM) 17, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 207, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of August 11, 1982 (47 FR 34851), which announced that Ciba-Geigy Corporation, Agricultural Division, P.O. Box 18300, Greensboro, NC 27419, had submitted a feed additive petition (FAP 2H5355) to EPA proposing that 21 CFR Part 561 be amended by adding a regulation under section 409 of the Federal Food Drug and Cosmetic Act (FFDCA) permitting residues of the insecticide *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine in poultry feed at 5.0 parts per million (ppm).

The accepted American National Standard Institute name for the insecticide *N*-cyclopropyl-1,3,5-triazine-2,4, 6-triamine is cyromazine. The trade name for cyromazine is Larvadex®.

Cyromazine is a triazine insecticide and has the empirical formula $C_3H_{10}N_6$.The structural formula is:



An analytical method identified as AG-341, using gas chromatography and an alkali flame ionization detector in the nitrogen-specific mode, is available for enforcement purposes in determining residues of cyromazine in poultry feed.

There were no comments received in response to the notice of filing. Until the summer of 1983, the petition for tolerances was progressing normally with no identified health or environmental concerns. On that basis, 28 states obtained emergency exemptions under FIFRA section 18 for fly control in their various states beginning in 1981. The Agency was in the final review process when EPA learned of the possible oncogenic potential of the metabolite melamine. As a result of the reported oncogenicity of melamine in the National Toxicology Program (NTP) bioassy, the Agency notified all states holding section 18 emergency exemptions for the use of Larvadex that their emergency exemption was temporarily suspended. The Agency believed this to be a prudent course of action until it reviewed the NTP study and conducted risk assessments.

I. Toxicology of Melamine

In June 1983, NTP released the results of its 103-week rat and mouse oncognenicity bioassay on melamine, a metabolite of cyromazine. Male test animals (F344/N rats and B6C3F1) mice were administered 2,250 and 4,500 parts per million (ppm) of melamine via the diet. Female test animals were administered 4,500 and 9,000 ppm of melamine via the diet. An increase in transitional cell carcinomas of the urinary bladder were noted in 8 of 49 male rats in the high does group (4,500 ppm). Additionally, bladder calculi (stones) were observed in 7 of these 8 animals. (Three additional animals had calculi but no carinomas.) NTP concluded that a statistically significant increase in transitional cell neoplasms of the urinary bladder was observed in male rats in the high dose group as compared to controls. The NTP study did not find melamine to be carcinogenic in female rats or in tested mice of either sex. The NTP report noted that the bladder neoplasms in the male rats could have been caused by the calculi, but that further studies would be required to prove this hypothesis.

Ciba Geigy responded to NTP's finding on melamine by submitting a toxicological appraisal of melamine consisting of cyromazine metabolism data, as well as short term and chronic melamine studies using the Fisher 344/N rat. The studies submitted by Ciba-Geigy were conducted by American Cyanamid Company.

The short term (28-days) study, using F344 male and female rats fed diets containing 480 to 4,280 ppm melamine, demonstrated the formation of calculi in the bladder which appeared to be directly related to the dosage level of melamine administered (1,500 ppm (LED) only in males), in both the incidence and size of the stones. The larger stones were found to be unchanged melamine in a metrix of protein, uric acid, and phosphate.

In a 2-year chronic rat feeding study, F344 male and female rats were fed melamine at dose levels of 100 ppm to 1,000 ppm in the males and 100 ppm to 2,000 ppm in females (these dose levels were lower than those of the of the NTP study). No transitional cell neoplasms of the urinary bladder and no bladder stones were found in any of the test animals.

The FDA Cancer Assessment Committee (FDA/CAC) evaluated the results of the melamine studies. A synopsis of the Group's findings follows:

1. There is a direct correlation between the occurrence of bladder neoplasms and the formation of calculi in the same bladders. Since bladder calculi have been considered in previous studies to be associated with the formation of bladder neoplasms in rats, "their presence completely obfuscates any plausible case which might be made for a treaatment-related chemical induction of bladder neoplasms."

2. This conclusion is further supported by the results of the short term study conducted by American Cyanamid which demonstrated a dosage related effect in both the incidence and size of the stones.

In summary, the committee found that melamine is only indirectly responsible for this occurrence in that stones occurred in the bladder only at high melamine doses and it is the stones, not melamine, that are tumorigenic.

In addition to the bladder neoplasms, the committee also reviewed and evaluated the possiblitiy that the bone marrow leukemia and pituitary tumors reported in the long term American Cyanamid studies were significant. After a thorough evaluation, the committee discounted that these tumors were not related to melamine ingestion.

EPA toxicologists, along with other toxicologists from the Food and Drug Administration (FDA), also reviewed the results of the available melamine studies. Their findings were consistent with those of FDA/CAG and conclude that since the available data on melamine-induced stone formation indicate an operational threshold, there does not appear to be a scientific basis

for assuming that cyromazine at the expected use levels has any potential for forming such stones. They further concluded that all of the melamine studies were compatible and that the weight of evidence lead to the conclusion that there is no, or at worse remote, risk from the proposed use of cyromazine, or its metabolite melamine.

However, after making this evaluation of the potential for melamine to cause bladder neoplasms, there remains a possibility that regardless of the bladder stone complications, high doses of melamine *per se* may cause these neoplasms. The Agency believes that it is in the best interest of public protection to take this possibility seriously. Therefore, this proposal is being published to establish a food additive tolerance and provides the public with a 30-day comment period. We encourage comments on the Agency's proposed method for establishing a food additive tolerance for cyromazine and its metabolite melamine.

The Agency has reviewed and evaluated the data submitted in the petition and other relevant material, including the melamine studies. The cyromazine toxicological data considered in support of the proposed tolerance were a 6-month dog feeding study demonstrating a no-observed-effect level (NOEL) of 30 ppm (equivalent to 0.75 miligrams (mg)/kilogram (kg) of body weight (bw); a 90-day rat feeding study demonstrating a NOEL of 30 ppm (equivalent to 1.5 mg/kg); a rat teratology study demonstrating a teratogenic effect NOEL of >600 mg/kg; a rabbit teratology study demonstrating a teratogenci effect NOEL of 75 mg/kg; a 2-generation rat reproduction study demonstrating a NOEL of 1,000 ppm (equivalent to 50 mg/kg); a 2-year rat chronic feeding/oncogenicity study demonstrating a systemic NOEL of 30 ppm (equivalent to 1.5 mg/kg); and an oncogenic effect NOEL >3,000 ppm (equivalent to >150 mg/kg); a mouse ongocenicity study demonstrating a systemic NOEL of 50 ppm (equivalent to >7.5 mg/kg) and an oncogenic effect NOEL >3,000 ppm (equivalent to >450 mg/kg); mutagenic studies indicating no dominant lethal effects in mice and no nuclei anomaly in Chinese hamsters; and a negative Ames test.

The melamine toxicological data considered were the 103-week NTP rat and mouse bioassay (using 95% pure melamine) demonstrating a statistically significant increase in transitional cell neoplasms of the urinary bladder of male rats at 4,500 ppm (equivalent to 225 mg/kg) melamine, but no effect in female rats at >4,500 ppm (equivalent to 675 mg/kg), male mice at >4,500 ppm (equivalent to 675 mg/kg), and female mice at >9,000 ppm (equivalent to 1,350 mg/kg) and a chronic rat study >1,000 ppm (equivalent to 50 mg/kg).

II. Section 409 Tolerances

Under section 301 of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 321 *et seq.*, it is unlawful to introduce into (or deliver or receive in) interstate commerce any food that is adulterated. The term "food" includes "articles used for food or drink for man or other animals" and "articles used for components of any such article," FFDCA section 201(f).

Section 402(a)(2)(C) of FFDCA states that a food shall be deemed to be adulterated "if it is, or bears or contains, any food additive which is unsafe within the meaning of FFDCA section 409" (with exceptions not pertinent to this document). Finally, section 409(a)(2) states that a food additive shall be deemed to be unsafe unless "there is in effect, and its use or intended use are [sic] in conformity with, a regulation issued under this section prescribing the conditions under which such additive may be safely used" (again, with exceptions not pertinent here).

The product Larvadex® is intended to be added to, and thus become a component of, processed feed for chickens. Both Larvadex® and, presumably, chicken feed treated with Larvadex® will be distributed and sold in interstate commerce. Accordingly, the interstate sale or distribution of Larvadex® or Larvadex®-treated feed would be illegal unless Larvadex® had received appropriate FFDCA section 409 clearance.

Finally, EPA's regulations [40 CFR 162.7(d)(3)(v) and 162.18-4(a)(4)] allow the issuance of a registration providing for use of a pesticide product that will result in residues on food or feed only if any clearances required by the FFDCA have first been obtained.

The EPA Administrator is vested with responsibility for issuing food additive regulations concerning pesticide chemicals by Reorganization Plan No. 3 of 1970. Section 409 states that a food additive regulation may be issued either in response to a petition or upon the Administrator's own initiative. A food additive regulation must prescribe the conditions under which the additive may be safely used, and may to that end specify the maximum quantity which may be used or permitted to remain in or on food, the manner in which the additive may be added to or used in or on food, and any other requirements deemed necessary to assure the safety of the additive's use, FFDCA section 409(c)(1)(A). Under FFDCA section 409(c)(3), a food additive regulation may not be issued if a fair evaluation of the data before the Administrator "fails to establish that the proposed use of the food additive, under the conditions of use to be specified in the regulation, will be safe" (this is known as the "general safety clause").

In addition to the requirement of the general safety clause, section 409(c)(3) also contains a specific criterion, called the "Delaney clause," which (with an important exception discussed later in this document) provides that "no additive will be deemed to be safe if it is found to induce cancer when ingested by man or animal." The Food and Drug Administration, which has responsibility for administering FFDCA section 409 with respect to all food additives other than pestcides (and which, prior to EPA's creation in 1970, also had responsibility for pestcide food additives) has interpreted the term "additive" in section 409 as applying not only to the parent food additive compound (here, cyromazine) but also to other substances formed by metabolism of the parent compound (here, melamine). See the FDA document entitled, "Criteria and Procedures for Evaluating Assays for Carcinogenic Residues," published in the Federal Register of March 20, 1979 (44 FR 17070, 17081-82). For the purposes of this analysis, EPA adopts FDA's interpretation, for the reasons set forth by FDA in that document. Thus, although long-term feeding studies in which cyromazine was administered to animals did not demonstrate any evidence of oncogenicity, the potential oncogenicity of melamine, a major metabolite of cyromazine, also must be considered with respect to the Delaney clause.

As described earlier in this document, the NTP bioassay showed that when very high doses of melamine were fed to male rats, the result was a statistically significant increase in carcinomas of the bladder compared to the undosed controls. It is scientifically possible to postulate that the tumors would not have been formed in the absence of bladder stones or "calculi" caused by the melamine dosing, and it may well be, therefore, that there exists an observable "threshhold" dosing level for melamine-induced tumor formation in animals (i.e., a dosing level below which no bladder calculi are formed and therefore no tumors result). However, EPA agrees with the FDA's analysis of the "threshhold" issue as it applies to

regulating exposure of humans to food additives:

"Even if it were assumed that a 'no observed effect' level derived from a carcinogenesis bioassay represented a 'biologically insignificant' level for the test population, it is unclear how knowledge of such a level would permit establishment of a threshhold level for an exposed human population * * *. There is no information available that permits a quantitative determination of the relative susceptibilities of test animal and human populations. Therefore, it is not possible to devise a 'safety factor' that can be applied to the animal 'no effect' level * * * to arrive at a level that can be considered safe for the entire human population." (44 FR at 17090). In addition, as FDA notes, inherent limitations on the "power" of bioassays to distinguish between true negative responses and "false negatives," stemming from the number of test animals that practically can be used and the laws of statistics, must be kept in mind. (44 FR 17089–17090).

Accordingly, as a precautionary step, EPA believes that melamine should be analyzed for regulatory purposes under FFDCA section 409 as if it is a substance that has been shown to cause cancer in laboratory animals, and as a substance for which there is no demonstrated threshhold level with respect to human exposure, even though it appears that this chemical's characteristics are not typical of chemicals which exhibit "classical" carcinogenic properties. EPA solicits comments on these issues.

III. Application of the Delaney Clause

The Delaney clause's prohibition on the issuance of a food additive regulation for a substance which has been shown to induce cancer in animals is subject to an important exception with respect to food additives such as Larvadex® which are intended for use as additives to the feed of poultry or other animals which are raised for production of eggs, meat, or milk for human consumption. FFDCA section 409(c)(3)(a) states that the Delaney clause "shall not apply with respect to the use of a substance as an ingredient of feed for animals which are raised for food production, if the [Administrator] finds: (i) That, under the conditions of use and feeding specified in proposed labeling and reasonably certain to be followed in practice, such additive will not adversely affect the animals for which such feed is intended, and (ii) that no residue of the additive will be found (by methods of examination prescribed or approved by the [Administrator] by regulations * * *) in any edible portion of such animal after slaughter or in any food yielded by or derived from the living animal."

FDA has analyzed extensively the meaning of this exception (commonly referred to as the "DES proviso") in a document published in the Federal Register of March 20, 1979 (44 FR 17070). In that document, FDA concluded that the proviso should be implemented by requiring that residues of an oncogenic compound should not be allowed to be present in the total diet of humans unless it can be verified by analytical methodology that if such residues do occur they will be present at a level less than that which, by use of prescribed methods of extrapolation from animal bioassay data and a series of conservative assumptions, yields an excess cancer risk level that is deemed insignificant (which FDA sets at the level of one in a million, or 1×10^{-6}). The FDA approach then goes on to set forth a requirement for analytical methodology that will allow FDA to determine whether residues in any edible tissue (meat, milk, or eggs) will bear residue levels in excess of those which would be equivalent to the allowable total diet residue level.

EPA believes that the overall approach to implementation of the "DES proviso" set forth by FDA is a sensible one, and, with the exceptions discussed later in this document, proposes to adopt the reasoning and methodology of the FDA document in deciding whether to promulgate the food additive regulation proposed for cyromazine and its metabolite, melamine.

Under FDA's approach, the allowable level of the residue of concern in the total diet, denominated S_o, can be expressed as follows:

$$S_o = \frac{\text{(Allowable excess risk from residue in total diet)}}{\text{(Food factor for total diet) (Extrapolation slope)}}$$

EPA has calculated the extrapolation slope figure for melamine from the NTP bioassay data, using the least-squares procedure referenced by FDA. This number, which determines the slope of the curve used to extrapolate linearly from the risk at the dosing levels to the risk at lower levels approximating potential human exposure, is approximately 5×10^{-5}/ppm. Using this slope figure, and setting the allowable excess risk at 1×10^{-6} and the food factor for the total diet at 1, the allowable residue for melamine in the total diet, S_o, can be derived:

$$S_o = \frac{1 \times 10^{-6}}{(1)(5 \times 10^{-5}/\text{ppm})} = 0.02 \text{ ppm}$$

In other words, if the total diet of a human contained no more than 0.02 ppm of melamine, the excess cancer risk attributable to that residue would not exceed 1×10^{-6} for that individual, under the procedures for risk extrapolation specified in the FDA document.

The FDA approach incorporates a series of conservative assumptions to be used in caluclating the residue levels to be allowed in the total diet and in individual food items. The approach assumes that: (1) Response is linear to dose, even at very low dose levels; (2) each member of the public should be protected from an individual excess risk of a certain level; (3) a 99% degree of data confidence (instead of the more commonly used 95%) should be employed; (4) no corrections for differences in body surface area or diet/body weight ratios should be made in extrapolating animal data to human risk; (5) an individual will consume the commodity in question every day for a lifetime; (6) each quantity of the commodity consumed will contain the regulated food additive or metabolite at levels just under the prohibited level; and (7) other competing causes of illness or death to humans should be disregarded in the computation.

The 1979 FDA document also acknowledges the difficulty of choosing the appropriate level of risk deemed to be insignificant, noting that it had considered levels ranging from 1 in 20,000 to 1 in 100,000,000. FDA concluded that "the acceptable risk level should (1) not significantly increase the human cancer risk and (2) subject to that constraint, be as high as possible in order to permit the use of carcinogenic animal drugs and food additives as decreed by Congress." In choosing the 1 in 1 million figure, FDA noted that "[a] risk figure significantly higher than 1 in 1 million, for example 1 in 10,000, might present a significant additional risk of cancer to the public." (44 FR 10792–10793)

One of the most significant conservative assumptions made by FDA is that eggs comprise ⅓ of the daily diet of humans and that meat also comprises ⅓ of the daily diet. Under FDA's approach, if the allowable residue of melamine in the total diet is 0.02 ppm, eggs may contain three times that level, or 0.06 ppm, and the same level would be allowed in meat. In this case, then, strict application of the FDA document's

approach would require disapproval of the petition, since residue data indicate that chickens fed cyromazine at the high level (5 ppm) needed for control of the lesser housefly yield eggs with levels of combined cyromazine and melamine (expressed as melamine equivalent) as high as 0.25 ppm and muscle tissue as high as 0.23 ppm. (The corresponding average residue levels are 0.13 ppm for eggs and 0.17 ppm for muscle tissue.) In related documents appearing in today's issue of the Federal Register, tolerances under FFDCA section 408 are being proposed at 0.4 ppm for both eggs and chicken meat, in order to ensure that the tolerances, if approved, will be high enough to cover any residue in any individual sample of eggs or chicken meat.

In view of the facts of this case, however, EPA proposes not to use the food factors prescribed by the FDA document, and to issue a food additive regulation based on use of more realistic information concerning the proportion of eggs and chicken meat in the human diet. (EPA notes that the FDA document contemplates waivers of normally-imposed requirements when the rules appropriate to the generality of instances would produce an unreasonable result. (44 FR 17103)

With regard to chicken meat, EPA notes that the proposed use would allow the food additive cyromazine to be added only to chicken feed to be fed to layer hens, and that tolerances allowing residues of cyromazine and its metabolite, melamine, would be set only for chicken meat from layer hens. Layers are sold for use as canning chickens after their egg production ceases. The United States Department of Agriculture publication, "Agriculture Statistics, 1982," states that some 16 billion pounds of chicken meat from broiler chickens is sold annually, as compared to 1.25 billion pounds of meat from layers. Thus, only some 7% of the chicken meat marketed annually is from layers that could be treated with cyromazine if the food additive regulation here in question were promulgated. Moreover, EPA does not believe that more than some 60% of the layer hens will receive cyromazine in their feed. Finally, even if meat comprises ⅓ of a person's diet, it is unlikely that chicken alone will comprise ⅓ of the diet. In fact, information from EPA's Tolerance Assessment System (TAS), based on data from the 1977–78 USDA Individual Consumption Survey, indicate that the average adult in the continental United States consumes about 44 grams of chicken per day, which is some 2.3% of the 1,900 gram average adult total daily dietary intake shown by the TAS figures. Accordingly, EPA believes that using the ⅓ food factor for "meat" in this particular case would be unrealistically stringent, and that in fact allowing residues of up to 0.4 ppm in chicken meat from layer hens would not yield an individual excess cancer risk of more than 1×10^{-6} from cyromazine.

With regard to eggs, EPA believes that the ⅓ food factor used in the FDA approach again appears unrealistically high. Figures compiled from EPA's TAS show that the average (median) egg consumption in the entire continental United States is 34.1 grams/day (based on an average body weight of 58.9 kg and a consumption of 0.578 grams/kg BW/day. (By way of comparison, the 1980 Commodity Maps, "Computerized Commodity Conversion System—Food and Nutrition Service, USDA, December 1982 indicate that egg consumption, annualized and averaged across the entire continental U.S. population, is 37 grams per person per day.) The average egg consumption is thus less than 2% of the total TAS 1900 gram diet. (If one assumes a 1,500 gram/day total diet, the figure used routinely by FDA, the average egg consumption would be about 2.3% of the diet). The USDA's Human Nutrition Information Service also has surveyed egg consumption ("Foods Commonly Eaten by Individuals," Home Economics Research Report No. 44, Human Nutrition Information Service, USDA, 1982). Of the persons who ate eggs during the survey period (some 54% of the persons surveyed), the average consumption was 47 grams/day. Within that population of egg consumers, the 75th population percentile consumed 100 gram/day, the 95th percentile consumed 150 grams/day, and the 99th percentile consumed 237 grams/day. Thus, even at the 99th percentile the appropriate food factor would appear to be less than ⅙, rather than ⅓, for a 1,500 gram daily diet. Moreover, EPA projects that not all eggs consumed will be treated with Larvadex® and thus bear cyromazine or its residues; instead, it appears likely that about 47% of the eggs will bear residues of cyromazine or its melamine metabolite. Finally, it should be noted that the majority of poultry raisers who use Larvadex® will use it at the low-dose rate, since that rate will give effective control of the most prevalent fly species and it would be uneconomical to use more Larvadex® than is needed. Accordingly, it appears to EPA that even for very high percentile consumers of eggs, the potential excess cancer risk from melamine residues would not vary significantly from the FDA "acceptable risk" limit of 1 in 1 million.

Ciba-Geigy has submitted a residue detection method for combined residues of cyromazine and melamine identified as AG–417, using high performance liquid chromatography and a u.v. detector, which is adequate to detect residues at or above a level of 0.05 ppm in eggs and chicken meat. A copy of this method will be made available upon written request sent to the Information Services Section at the address listed above. For the reasons stated in this document, EPA proposed to find that method is adequate to detect any residues which would present an unreasonable risk of cancer to consumers of those commodities, within the meaning of the 1979 FDA document.

Accordingly, EPA believes that it would be proper to issue a feed additive for the proposed use of Larvadex® in feed for layer hens.

The data submitted in the petition and all other relevant material have been evaluated. Based on the information considered by the Agency, it is concluded that the pesticide can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act as amended (FIFRA) 7 U.S.C. 136 et seq.) Therefore, it is proposed that the feed additive regulation be established as set forth below.

A related proposed rule [PP 2F2707/P343], proposing to establish tolerances for eggs, poultry meat, fat and meat by-products at 0.4 ppm under FEDCA section 408 and a notice [OPP–30080], proposing a conditional registration of Larvadex® under FIFRA, and sets forth a benefit risk assessment and the proposed terms of registration including data and labeling requirements, appear elsewhere in today's issue of the Federal Register. In addition, the second notice describes the conditions that must exist before the Agency will consider a request for an emergency exemption for Larvadex® use under FIFRA section 18.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number [FAP 2H5355/P344]. All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Information Services Section at the address given above, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this proposed rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534. 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations proposing the establishment of new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(FFDCA, Sec. 409(c)(1), 72 Stat. 1786, 21 U.S.C. 348(c)(1))

List of Subjects in 21 CFR Part 561

Feed additives, Pesticides and pests.

PART 561—[AMENDED]

Therefore, it is proposed that 21 CFR Part 561 be amended by adding a new § 561.99 to read as follows:

§ 561.99 Cyromazine and its metabolites.

The additive cyromazine (*N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine) may be safely used in accordance with the following prescribed conditions until December 31, 1985:

(a) It is used as a feed additive in feed for chicken layer hens at the rate of not more than 0.01 pound of cyromazine per ton of poultry feed.

(b) It is used for control of flies in manure of treated chicken layer hens.

(c) To ensure safe use of the additive, the label and labeling of the pesticide formulation containing the feed additive shall conform to the label and labeling registered by the U.S. Environmental Protection Agency, and the additive shall be used in accordance with the registered label and labeling.

Dated: April 20, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 84-11405 Filed 4-26-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11 84-45]

Special Local Regulations: Pre-Olympic and Olympic Marine Events in Southern California

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard will establish special local regulations in the Los Angeles-Long Beach harbor area prior to and during the "1984 Summer Olympic Games" including the "U.S. Olympic Sailing Trials" and other related activities that may generate an accumulation spectators and impose a restriction on vessel traffic during the periods set forth. This rule will be in effect from 28 April to 12 August 1984. Through this action the Coast Guard intends to ensure the safety of spectators and participants in Olympic related marine events to take place this summer.

DATES: Comments must be received by June 11, 1984.

ADDRESSES: Comments should be mailed or can be hand-delivered to Commander (bb), Eleventh Coast District, 400 Oceangate Blvd., Union Bank Bldg., Suite 901, Long Beach, CA 90822. The comments will be available for inspection and copying during normal office hours (7:30 a.m. to 3:30 p.m., Moday through Friday, except holidays).

FOR FURTHER INFORMATION CONTACT: LTJG Jorge Arroyo, Commander (bb), Eleventh Coast Guard District, 400 Oceangate, Union Bank Bldg., Suite 901, Long Beach, California 90822, Tel: (213) 590-2331.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Commenters should include their name and address, identify this notice CGD11 84-45 for this rulemaking, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The regulations may change in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this regulation are LTJG Jorge Arroyo, Project Officer, Chief, Boating Affairs Branch, Eleventh Coast Guard District, and LT Joseph R. McFaul, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of Proposed Regulation

During the summer of 1984, the Los Angeles Harbor area will host a series of special marine events, beginning in late April and culminating with the 1984 Summer Olympic Games which end August 12, 1984. The "U.S. Olympic Sailing Trials", "TopSAIL'84", and the "Olympic Yachting Event" will draw a great number of spectator craft and impede normal navigation in various areas of Los Angeles and Orange County Waters. The primary mission of the Coast Guard Regatta Patrol will be to insure the safety of both spectators and participants during each of these events. Vessels desiring to transit the regulated areas may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

U.S. Olympic Trials

The United States Olympic Yachting Committee of the United States Yacht Racing Union (USYRU) will conduct the U.S. Olympic Trials to select our representatives for the Summer Games. Events will be sailed over closed courses in four separate racing areas (Alpha, Bravo, Charlie and Delta) involving seven different class vessels.

These qualifying trials will take place in four time periods, with races being conducted in only one venue area during each period set forth. Each period will have one to four lay days designated, these days may be used as a race day in the event of any weather postponements. Exact location of each venue area is yet to be determined, see "Regulated Area" for a general description of the race areas.

TopSAIL'84

The Port of Long Beach is sponsoring "TopSAIL'84", the tall ship Olympic Parade of Sail saluting the XXIII Summer Olympiad on the 4th of July. The TopSAIL'84 project has been endorsed by the Los Angeles Olympic Organizing Committee as an official Olympic Cultural Event and is listed as one of the Olympic Art Festival's free happenings.

The daytime 32-mile parade of sail and motor training ships (up to 350 feet in length) and other sailing vessels (ranging from 55 to 150 feet in length), will commence at approximately 12:00 noon off Manhattan Beach Pier and running just offshore past the South Bay beaches, around Palos Verdes peninsula, through the Los Angeles Main Channel entrance (Angel's Gate), and then proceed on to Long Beach Inner harbor. Following the daytime procession, which will move at a steady six knots, the official 35 vessel parade

flotilla will anchor between Oil Islands White and Grissom at approximately 6:00 p.m. Here the vessels and their crews will be honored with nighttime aerial and fireworks displays.

1984 Summer Olympic Yachting Event

The Olympic yachting events will take place in the same venue areas and same standard courses as the trials, however, each class will compete on every race day; one race per day, 45 participants per class. They will take place between 29 July and 11 August, as scheduled below:

29 July	Opening day ceremonies.
30July	Practice day.
31 July, 1, 2, 3 August	Race days.
4 and 5 August	Reserved days.
6, 7, and 8 August	Race days.
9, 10, 11 August	Award ceremonies or Reserved days as needed.

(Reserve days could be used as race days in the event of any postponements).

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis and Review (DOT Order 2100.5). Its economic impact is expected to be minimal since these Regulations are of limited duration, only limit access to certain Port areas without denying access to those who require it, and provide safety and security during a period of expected high vessel traffic congestion. These regulations are necessary to insure the protection of life and property in the event areas.

Based upon this assessment it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations, by adding the following section:

§ 100.35-11 84-45 Southern California, Olympic and Pre-Olympic Marine Events.

(a) *Purpose.* (1) These temporary regulations are intended to manage the expected increase in traffic congestion and accumulation of spectator craft in the Ports of Los Angeles and Long Beach, San Pedro Bay, and the territorial waters of the United States during the period of 28 April 1984 through the 1984 Summer Olympic Games (12 August 1984).

(2) These regulations add to all existing regulations applicable to the affected areas, and do not replace or supercede any regulation in effect during the term of these temporary regulations.

(3) Upon written application and good cause shown, a waiver of any requirement set forth in this regulation may be granted.

(b) *Regulated Areas.* The following regulated areas may be closed intermittently to all vessel traffic during the times and dates listed under "EFFECTIVE DATES". (Reference National Ocean Service Chart No. 18749): (1) "U.S. Olympic Sailing Trials" and the "Summer Olympic Yachting Event": Exact sailing venue areas for each race class have not been established as of yet, and they will vary each race day due to weather conditions. Buoys and Coast Guard Regatta Patrol boats will mark and control access to the exact race course areas on each day. However, they will be not extend beyond the following boundaries:

(i) Area Alpha: That portion of Long Beach Outer Harbor bounded by a point 750 yards due east of the western end of the Long Beach breakwater, continuing to the east end, then due north to the western marker of Oil Island Chaffee, then northwest to Latitude: 33-43 N, Longitude: 118-09 W, then southeast to the southern marker of Oil Island Chaffee and back to the point 750 yards due east of the western end of the Long Beach breakwater.

(ii) Areas Bravo, Charlie and Delta will be in an area bounded by the following coordinates:

B1 33-42-OON 118-09-41W
B2 33-43-08N 118-08-38W
B3 33-42-24N 118-07-06W
C1 33-42-57N 118-06-29W (Buoy R "2" Entrance Anaheim Bay)
C2 33-43-25N 118-05-06W
C3 33-42-45N 118-04-40W
C4 33-41-24N 118-04-11W
D1 33-40-45N 118-04-58W
D2 33-38-O2N 118-03-47W
D3 33-37-55N 118-06-04W
D4 38-38-38N 118-07-37W

(2) TopSAIL'84:

(i) The entrance to Los Angeles Harbor ("Angel's Gate") including the Los Angeles Pilot Area.

(ii) Anchorage Area—Upon completion of the procession participants will moor inside that portion of Long Beach Harbor bounded by a line running from the northern marker of Oil Islands Grissom and White; and, a line from the western marker of Oil Island White and the eastern marker of Oil Island Grissom.

(iii) Fireworks Area: A 500 foot square area extending from the shoreline, for each fireworks launching area:

(A) Pier "J" in the vicinity of the Spruce Goose Dome,

(B) Just south of Claremont St. launch area in Long Beach, CA,

(C) Just south of the Junipero St. parking lot in Long Beach, CA.

(c) *Effective Dates.* (1) U.S. Olympic Sailing Trials: From 10:00 a.m. to 6:00 p.m. each day.

(i) Area Bravo: Finn/470 classes—April 28-May 1 and May 6-11,

(ii) Area Charlie: Star/Soling classes—May 12-15 and May 20-25,

(iii) Area Delta: Tornados/Flying Dutchman classes—May 29-June 2 and June 6-11,

(iv) Area Alpha: Windglider class—June 12-16 and June 18-22.

(2) TopSAIL'84: From 11:00 a.m. to 10:00 p.m. on 4 July 1984.

(3) Summer Olympic Yachting Event: From 10:00 a.m. to 7:00 p.m. each race day, July 29 through 12 August.

(d) *Special Local Regulations.* (1) No vessels, other than participants, U.S. Coast Guard operated and employed small craft, public vessels, state and local law enforcement agencies and the sponsor's vessels shall enter the regulated areas during the periods set forth for each event, unless cleared for such entry by or through a patrolling law enforcement vessel, or an event committee boat.

(2) No vessel may block, loiter in or impede the through transit of participants, event committee boats and/or law enforcement vessels in any charted approach, channel entrance, channel, harbor, or basin.

(3) When hailed by Coast Guard or Coast Guard Auxiliary vessels patrolling the event area, a vessel shall come to an immediate stop. Vessels shall comply with all directions of the designated Coast Guard Regatta Patrol.

(4) These regulations are temporary in nature and shall cease to be in effect or further enforced at the end of each period set forth.

(46 U.S.C. 454; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b); 33 CFR 100.35)

Dated: April 20, 1984.

J. F. Culbertson,

Captain, U.S. Coast Guard, Commander, Eleventh Coast Guard District, Acting.

[FR Doc. 84-11267 Filed 4-26-84; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 147

[CGD 11-84-01]

Establishment of Safety Zones Around Structures and Artificial Islands on the Outer Continental Shelf (OCS) and the Navigable Waters of the U.S.

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking is to establish safety zones around fixed structures on the Outer Continental Shelf (OCS) and in the navigable waters off Southern California and establish regulations for navigation within such safety zones. The need for these safety zones has been created by the presence of fixed structures in the vicinity of areas of vessel navigation and an increase in vessel traffic off Southern California. The safety zones will be indicated on navigational charts which will make the fixed structures more readily apparent to the mariner. The safety zone will also give the Coast Guard a very effective enforcement tool in the event of a near miss or collision between a vessel and a fixed structure. The establishment of safety zones around offshore structures is one method recommended by the International Maritime Organization (IMO) in its Resolution A.379(X) to resolve the conflict between oil and gas activities and vessel navigation. The overall impact of the proposed action would be to promote the safety of life and property on the structures, their appurtenances and attending vessels and on the adjacent waters within the safety zone. This notice of proposed rulemaking will establish a 500 meter safety zone around four offshore oil platforms to be constructed on the OCS.

DATE: Comments must be received on or before June 11, 1984.

ADDRESS: Comments should be submitted to the Commander, Eleventh Coast Guard District (m), 400 Oceangate Blvd., Long Beach, CA 90822. Comments received will be available for examination at the Marine Safety Division, Office of the Commander Eleventh Coast Guard District, Room 709, 400 Oceangate Blvd., Long Beach, CA 90822, (213) 590-2301. Normal office hours are between 8 a.m. and 4 p.m. Monday through Friday, except federal holidays. The Draft Environmental Assessment and Finding of No Significant Impact are also available at the above address. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Robert S. Varanko, c/o Commander, Eleventh Coast Guard District (m), Room 709, 400 Oceangate Blvd., Long Beach, CA 90822, (213) 590-2301.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Persons submitting comments should include their name and address, identify this notice (CGD 11-84-01) and the specific sections of the proposals to which their comments apply, and give reasons for their comments. Receipt of comments will be acknowledged if a self-addressed postcard or envelope is enclosed.

The Rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the Federal Register, if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this notice are Lieutenant Commander Robert S. Varanko, U.S. Coast Guard, Project Manager, and Lieutenant Catherine McNally, U.S. Coast Guard Reserve, Project Attorney, Eleventh Coast Guard District Legal Office.

Discussion of Proposed Regulation

This Notice is designed to further existing concepts of the Commander, Eleventh Coast Guard District with respect to safety zones around fixed structures on the OCS or navigable waters. In the Federal Register of February 20, 1979 (40 FR 10399) the Coast Guard published an Advance Notice of Proposed Rulemaing concerning the establishment of safety zones around structures and artificial islands on the OCS and in the navigable waters of the United States. In the Federal Register of March 18, 1982 (47 FR 11719) the Coast Guard published the Notice of Proposed Rulemaking and the Final Rules were published on September 9, 1982 (47 FR 39678). The Proposed Rules appearing in this notice add to the Final Rules of September 9, 1982, and reflect new structures erected on the OCS of Southern California since that date.

There are presently 17 artificial islands or fixed structures in the navigable waters adjacent to Southern California (Santa Maria River to Mexican Border); 13 fixed structures are on the OCS adjacent to Southern California; four additional fixed structures will be entering the construction phase and seven more OCS structures are scheduled for installation in the future.

33 CFR 147.1 states that the purpose of OCS safety zones is "to promote the safety of life and property on the facilities, their appurtenances and attending vessels, and on the adjacent waters within the safety zones". Safety zones established under the Port and Tanker Safety Act are to "prevent damage to, or destruction of, any bridge or other structure on or in the navigable waters of the United States". Considering the purpose of each of the types of safety zones, the Commander, Eleventh Coast Guard District has studied all existing and proposed fixed structures on the OCS and in the navigable waters adjacent to Southern California to assess the need for safety zones and the type of regulations needed. Both the size of the proposed safety zone and the regulations applicable therein have been considered on a case-by-case basis. The regulations will not affect the production activity on the structures or the islands themselves.

The regulations proposed contain a description of the area of the safety zone including the location of the center of the particular structure. Each section then contains the regulations pertinent to the particular safety zone. The regulations restrict the entry of vessels into the safety zone except attending vessels and those vessels authorized by the Commander, Eleventh Coast Guard District. Also, vessels under 100 feet in length overall not engaged in towing are allowed in most safety zones.

The table below offers a quick reference for the structures being considered.

1	2	3	4	5
Hermosa	500	Vessels under 100 ft. in length not engaged towing.	OCSLA	Close proximity to SBC TSS inshore traffic and TSS termination point.
Hidalgo	500	do	do	Do.
Harvest	500	do	do	Do.

1	2	3	4	5
Eureka	500	do	do	Structure Site is in the Separation Zone of the Gulf of Santa Catalina TSS.

Column Code:
1. Structure.
2. Safety zone radius in meters.
3. Navigation restricted to attending vessels and,
4. Safety zone authority; PWSA for navigable waters, OCSLA (OCS Lands Act) for OCS.
5. Justification.

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant, in accordance with DOT Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5). Large commercial vessels routinely transit the area where platforms *Hermosa, Hidalgo and Harvest* are to be constructed. At this time there is not traffic separation scheme or fairway in this area. However, the Coast Guard has submitted a proposal to IMO to extend the SBTSS west to a precautionary area off Point Arguello. Platforms with safety zones will be conspicuously marked on navigational charts to give added warning of their locations. The coast of avoiding a platform by more than 500 meters is outweighed by the cost if a vessel struck a platform and a major casualty occurred and the fact that the additional steaming time is approximately one minute longer, less if vectored. Traffic volume is approximately one vessel every two hours which would total 4368 vessels per year based on a 1976 survey. However, not all of these would be transiting the platform area. Once safety zones and the proposed TSS extension are established an acceptable degree of safety is achieved. This is evident by the past record of no collisions with platforms in the Southern California area. Platform *Eureka* will be constructed in the separation zone to the Southern Approach Traffic Separation Scheme (TSS) to Los Angeles/Long Beach. Approximately 4000 vessels use this route annually to and from the ports of Los Angeles and Long Beach. These vessels normally use the TSS and would pass clear of the platform. Those vessels which do not use the TSS could pass the platform by 500 meters or more. The time and cost would depend on the vessels's vector to the platform. Generally it is one minute or less in steaming time. Hence, the cost of avoiding these platforms by more than 500 meters is considered to be nil. Based on this assessment, it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605 (b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981 on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 147

Safety zones, Marine safety, Navigation (water).

Proposed Regulation

PART 147—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend Part 147 of Title 33, Code of Federal Regulations as follows:

1. By revising the authority citation as follows:

Authority: Sec. 203 Pub. L. 95–372, 92 Stat. 636; [43 U.S.C. 1331(d)(1)]; Sec. 6(b)(1) 80 Stat 938 (49 U.S.C. 1655 (b)(1)] 49 CFR 1–46(b).

2. By adding §§ 147.1109 through 147.1112 as follows:

§ 147.1109 Platform HERMOSA safety zone.

(a) *Description*: The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34–27–19 N, 120–38–47 W.

(b) *Regulations*: No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

§ 147.1110 Platform HARVEST safety zone.

(a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34–28–95 N, 120–40–46.1 W.

(b) *Regulations:* No vessel may enter or remain in this safety zone except for the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

§ 147.1111 Platform EUREKA safety zone.

(a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 33–33–50N, 118–07–00W.

(b) *Regulations:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

§ 147.1112 Platform HIDALGO safety zone.

(a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34–29–42N, 120–42–08W.

(b) *Regulations:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

Dated: April 23, 1984.

F. P. Schubert,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 84–11274 Filed 4–26–84; 8:45 am]
BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 2575-8]

Approval and Promulgation of Implementation Plans; New Hampshire; Berlin TSP Attainment Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan revisions for Berlin submitted by the State of New Hampshire. These revisions will reduce Total Suspended Particulate (TSP) emissions from an unpaved roadway and adjacent areas. The intended effect of this action is to attain the primary TSP National Ambient Air Quality Standard (NAAQS) as required under Section 110 of the Clean Air Act. Public comments on this document are requested and will be considered before taking final action on these SIP revisions.

DATES: Comments must be received on or before May 29, 1984.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2313, JFK Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2313, JFK Federal Building, Boston, MA 02203 and the Air Resources Agency, Health and Welfare Building, Hazen Drive, Concord, NH 03301.

FOR FURTHER INFORMATION CONTACT: Betsy Horne, (617) 223-4869.

SUPPLEMENTARY INFORMATION: The New Hampshire Air Resources Agency (ARA) submitted draft revisions to its State Implementation Plan dated January 6, 1984. These revisions include paving and seeding and a plan to maintain these strategies. The submittal demonstrates attainment of the primary TSP standard by August 31, 1985.

Background

On June 23, 1980, EPA approved a TSP attainment plan for Berlin which had been submitted by the State on September 19, 1979. Control strategies, based on data from two monitoring sites, included limiting emissions from several stacks at the Brown Company pulp mill (since purchased by the James River Corporation), as well as some paving and dust control. The plan presented by the State demonstrated attainment of the NAAQS by December 31, 1981.

In mid-1980, an additional monitor was sited in Berlin at Lancaster Street. Although the monitors on which the original plan was based showed expeditious attainment, the Lancaster Street monitor began to register and continues to show violations of the 24-hour and annual primary TSP standards. Since the area did not attain the standards by the 1982 Clean Air Act deadline, on February 3, 1983 (48 FR 4972), EPA cited Berlin in its proposed listing of areas which might be subject to sanctions.

The State immediately began working on a revised plan and, on January 6, 1984, submitted a draft plan for parallel processing. We expect the State to submit a final version soon.

Analysis of the Problem

Filter analyses conducted by a contractor hired by the James River Corporation indicate that particulate matter recorded at the Lancaster Street monitor is primarily reentrained road dust. The monitor is located across from the entrance to the access road in the wood yard. The access road is unpaved and heavy trucks use the road to deliver wood. The traffic on the road generates fugitive particulate matter which registers on the monitor. Based on the filter analyses, the State has determined that no other source of emissions is significantly contributing to the monitored violations. The Corporation's contractor has estimated that 1124 tons per year (TPY) of fugitive emissions are generated because of the trucking activity. Using this data, the State's analysis demonstrates that a 54% reduction is necessary to attain the 24-hour primary TSP standard and a 53% reduction for the annual primary standard.

Control Strategy

The James River Corporation has agreed to pave .55 mile of the unpaved roadway and to seed certain areas of the wood yard by August 31, 1984. The State's analysis estimates that these measures will reduce emissions by 739 TPY, a 66% reduction. Since rollback indicates that only a 54% reduction is required to achieve attainment, the standards will be attained as soon as the paving and seeding are complete.

In order to assure enforcement of these measures, the State has agreed to issue an order to the James River Corporation requiring it to pave and seed the designated areas. Although these measures will attain the standards, maintenance of the standards will require good maintenance of the paved and unpaved roads and seeded areas in the woodyard. The draft administrative order included with the State's submittal provides for adequate maintenance.

Determining reductions from fugitive emission controls is a difficult task. To support the proposed strategy, the plan includes a contingency for re-evaluating the plan if elevated levels are recorded after August 31, 1984.

EPA has reviewed the State's submittal and finds that the plan will attain and maintain the primary TSP NAAQS expeditiously and effectively.

Therefore, EPA is proposing to approve the draft New Hampshire State Implementation Plan revision for Berlin, which was dated January 6, 1984, and is soliciting public comments on issues discussed in the notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the address above.

These revisions are being proposed under a procedure called "parallel processing" (47 CFR 27073). If the proposed revisions are substantially changed in the final submittal, in areas other than those identified in this notice, EPA will evaluate those changes and may publish a revised NPR. If no substantial changes are made other than those areas cited in this notice, EPA will publish a Final Rulemaking Notice on the revisions. The final rulemaking action by EPA will occur only after the SIP revisions have been adopted by New Hampshire and submitted to EPA for incorporation into the SIP. "Parallel processing", it is estimated, will reduce the time necessary for final approval of these SIP revisions by 3 to 4 months.

Proposed Action

EPA is proposing to approve the draft Berlin TSP attainment plan dated January 6, 1984 with the understanding that the State will include a copy of the order to James River in its final submittal.

Under 5 U.S.C. Section 605(b), I certify that these SIP revisions will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

The Administrator's decision to approve or disapprove the plan revisions will be based on whether it meets the requirements of Sections 110(a)(2)(A)-(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. These revisions are being proposed pursuant to Sections 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Dated: March 8, 1984.

Michael R. Deland,

Regional Administrator.

[FR Doc. 84-11501 Filed 4-26-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 145

[WH-FRL-2576-7]

Rhode Island Department of Environmental Management; Underground Injection Control Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency (EPA) has received a complete application from the State of Rhode Island requesting primary enforcement responsibility for the Underground Injection Control (UIC) Program; (2) the application is now available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

The proposed comment period will provide EPA the breadth of information and public opinion necessary to approve, disapprove, or approve in part and disapprove in part the application of the Rhode Island Department of Environmental Management to regulate Classes I, II, III, IV, and V injection wells.

DATES: Requests to present oral testimony should be filed by June 6, 1984. The Public Hearing will be held on June 13, 1984, at 10:00 a.m. Written comments must be received by June 20, 1984. Should EPA not receive sufficient public comment of requests to present oral testimony by June 6, 1984, the Agency reserves the right to cancel the Public Hearing.

ADDRESSES: Comments and requests to testify should be mailed to Jerome J. Healey, Water Supply Branch, Environmental Protection Agency, Region I, JFK Federal Building, Boston, Massachusetts 02203. Copies of the application and pertinent material are available between 9:00 a.m. and 5:00 p.m., Monday through Friday at the following locations:

Environmental ProtectionAgency, Region I, Water Supply Branch, 21st Floor, JFK Federal Building, Boston, Massachusetts 02203, PH: (617) 223-3980

Rhode Island Department of Environmental Management, Division of Water Resources, 2nd Floor, 75 Davis Street, Providence, Rhode Island 02908, PH: (401) 277-2234

The hearings will be held in the Auditorium of the Cannon Health Building, 75 Davis Street, Providence, Rhode Island.

FOR FURTHER INFORMATION CONTACT: Jerome J. Healey, Water Supply Branch, Environmental Protection Agency, Region I, JFK Federal Building, Boston, Massachusetts 02203. PH: (617) 723-6486. Comments should also be sent to this address.

SUPPLEMENTARY INFORMATION: This application from the Rhode Island Department of Environmental Management is for the regulation of all Class I, II, III, IV, and V injection wells in the State. The Underground Injection Control (UIC) program seeks to protect as "underground sources of drinking water" (USDWs) all aquifers capable of yielding a significant amount of water containing lsss than 10,000 mg/l of total dissolved solids. At present, the State of Rhode Island has no known Class I, II, III, or IV injection wells. The latest inventory identified 42 Class V wells. Class V wells will be studied to assess whether further regulatory measures are required. The State of Rhode Island does not intend to exempt any aquifers at this time.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 145, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part. These terms may not all apply to this particular notice.

List of Subjects in 40 CFR Part 145

Indians—lands, Reporting and recordkeeping requirements, Intergovernmental relations, Penalties, Confidential business information, Water supply.

This application from the Rhode Island Department of Environmental Management is for the regulation of all injection wells in the State. The application includes a description of the State Underground Injection Control Program, copies of all applicable statutes and rules, a statement of legal authority and a proposed memorandum of agreement betweent the Rhode Island Department of Environmental Management and Region I office of the Environmental Protection Agency.

(42 U.S.C. 300)

Dated: April 6, 1984.

Jack E. Ravan,

Assistant Administrator for Water.

[FR Doc. 84-11579 Filed 4-26-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PP 2F2707/P343; PH-FRL 2577-2]

Cyromazine; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes the establishment of tolerances for residues of the insect growth regulator cyromazine in or on certain raw agricultural commodities. This proposed regulation to establish the maximum permissible level for residues of cyromazine in or on these commodities was requested by Ciba-Geigy Corp. This proposed regulation proposes that those maximum permissible residue levels would expire on December 31, 1985, by which time the Agency will have received and evaluated the data requested in the companion registration document appearing in this issue of the Federal Register and will have made a reassessment of the maximum permissible levels of cyromazine and its metabolite, melamine.

DATE: Comments must be received on or before May 29, 1984.

ADDRESS: Written comments by mail to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring written comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Timothy A. Gardner, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Rm. 207, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of August 11, 1982 (47 FR 34851), which announced that Ciba-Geigy Corp., Agricultural Division, P.O. Box 18300, Greensboro, NC 27419, had submitted a pesticide petition (2F2707) to EPA proposing that 40 CFR Part 180 be amended by establishing a tolerance for residues of the insecticide

cyromazine (*N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine) in or on the agricultural commodities eggs, poultry meat, poultry fat, and poultry meat by-products at 0.4 part per million (ppm).

There were no comments received in response to the notice of filing. Until the fall of 1983, the petition for tolerances was progressing normally with no identified health or environmental concerns. On that basis, 28 States obtained emergency exemptions under FIFRA section 18 for fly control in their various States beginning in 1981. The Agency was in the final review process when EPA learned of the possible oncogenic potential of the metabolite melamine. As a result of the reported oncogenicity of melamine in the National Toxicology Program (NTP) bioassay, the Agency notified all States holding Section 18 emergency exemptions for the use of Larvadex® (the trade name for cyromazine) that their emergency exemptions were temporarily suspended. The Agency believed this to be a prudent course of action until it reviewed the NTP study and conducted risk assessments.

The scientific data submitted in the petition and other relevant material have been evaluated. A discussion of the of the toxicological data considerd in support of the tolerance was well as a discussion of the risks of cyromazine and melamine can be found in a companion proposed rule (FAP 2H5355/P344) published elsewhere in the issue of the Federal Register.

Tolerances have not previously been established for cyromazine. Based on a 6-month feeding study in dogs and a 100-fold safety factor, the acceptable daily intake (ADI) has been calculated to be 0.0075 mg/kg/day with a maximum permissible intake (MPI) or 0.45 mg/day for a 60-kg person. The proposed tolerances have a theoretical maximal residue contribution (TMRC) of 0.0505 mg/day in a 1.5-kg diet or 11.20 percent of the MPI.

There are no regulatory actions pending against the registration of cyromazine. The metabolism of cyromazine in plants and animals is adequately understood for purposes of the tolerances being proposed below. An analytical method, identified as AG-417, using high-performance liquid chromatography and a u.v. detector, is available to determine residues of cyromazine and its metabolite, melamine, for enforcement purposes.

Based on the above information, the Agency has determined that the proposed tolerances for residues of the pesticide in or on the commodities would protect the public health.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP2F2707/P343]. All written comments filed in response to this petition will be available in Rm. 236, CM 2, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this proposed rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator had determined that regulations proposing the establishment of new tolerances or raising tolerance levels or establishing exemptions for tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2))

List of Subjects in 40 CFR Part 180

Administrative practice procedure, Agricultural commodities, Pesticides and pests.

Dated: April 20, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR Part 180 be amended by adding new § 180.418 to Subpart C, to read as follows:

§ 180.418 Cyromazine; tolerances for residues.

Tolerances are established until December 31, 1985, for residues of the insecticide cyromazine (*N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine) in or on the following raw agricultural commodities:

Commodities	Parts per million
Eggs	0.4
Poultry meat from chicken layer hens only	0.4
Poultry fat from chicken layer hens only	0.4
Poultry meat by-products from chicken layer hens only	0.4

[FR Doc. 84-11407 Filed 4-26-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 59, 60, 61 and 62

[Docket No. FEMA-FIA]

National Flood Insurance Program Coverage; Sales and Eligibility Provisions

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the National Flood Insurance Program (NFIP) regulations dealing with flood insurance coverage, the Standard Flood Insurance Policy terms and provisions, the sale of flood insurance in communities participating in the NFIP and the administration, by communities, of community record keeping efforts as part of the NFIP community participation arrangements. The purpose of the proposed rule is, also, to revise the Program regulations to reflect business practices followed in the Flood Insurance Manual used by private sector property insurance agents and brokers in producing flood insurance business, coverage changes in the contract of flood insurance, and the business practices of "Write-Your-Own" companies, which market and service flood insurance coverage under arrangements with the Federal Insurance Administrator (see 48 FR 46789, published October 14, 1983).

DATE: All comments received on or before June 26, 1984, will be considered before final action is taken on the proposed rule.

ADDRESS: Persons wishing to comment should submit comments in duplicate to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Donald L. Collins, Federal Emergency Management Agency, Federal Insurance Administration, Room 429, 500 "C" Street, SW., Washington, D.C. 20472; telephone number (202) 287-0740.

SUPPLEMENTARY INFORMATION: These proposed amendments are the result of a continuing reappraisal, begun in 1981, of the National Flood Insurance Program (NFIP) from the standpoint of maintaining a business-like approach to the administration of the NFIP by emulating successful property insurance progams in the private sector while, at the same time, supporting the major

FEMA goals of achieving greater administrative and fiscal effectiveness in the operation of the NFIP (see "National Flood Insurance Program Coverage, Sales and Loss Prevention Provisions", 47 FR 19138, May 4, 1982, and "National Flood Insurance Program Coverage, Sales and Eligibility Provisions, 48 FR 39066, August 29, 1983).

Accordingly, to alleviate a technical problem in NFIP community recordkeeping which, inadvertently, has resulted in insurance agents misrating flood insurance policies—with a resultant loss of premium funds to the NFIP—the proposed rule, in Parts 59 and 60, would eliminate the requirement that communities keep records of a building's lowest *habitable* floor, in favor of maintaining records of only the building's lowest floor. Under the program, the lowest floor is that floor level of a building which, at a minimum, must be elevated or floodproofed to or above the base flood elevation for the building to be compliant with the community's flood hazard area building practices. Also, the lowest floor level is used by the NFIP's private sector property insurance agents in providing rating information to the NFIP, upon which the correct premiums for insured risks can be calculated. The problem, which removal of the "habitable" distinction will obviate, is that, in the past, insurance agents would inquire of community officials as to the elevation of a building's lowest floor, and because the NFIP regulations encouraged community officials to maintain records of building's lowest habitable floor, community officials have been giving agents the higher elevation levels of the habitable floor, rather than the actual lowest floor of the building. Such information has led to instances of the NFIP receiving insufficient premium for the risk exposure, when the actual lowest floor, rather than the habitable floor, is considered in the rating process. The proposed technical corrections will correct this premium shortfall problem. In addition, we are proposing a new definition of "Lowest Floor" to explain FIA's posture with respect to the application of "Lowest Floor" principle to program implementation.

In a similar vein, the proposed rule presented a revised definition, Part 59, of "Start of Construction" which effectively merges the NFIP insurance usage of the concept with that of the flood plain management aspects of the program. In this connection, the following background pointed out in the NFIP's proposed rule of last year (48 FR 15280, April 8, 1983), is pertinent:

Private sector property insurance agents, in completing an application for flood insurance on behalf of a resident of a participating community, must know the date upon which the building's construction commenced in order to assign the correct premium charge for the policy. Typically, communities have no record of the date on which the pouring of slabs or footings or any work beyond the stage of excavation occurred [the flood plain management definition] rendering the insurance producer unable to furnish a start of construction date upon which to predicate a rate for the insurance coverage. To conduct the NFIP's insurance business in an orderly manner, therefore, the program permits the insurance producer to utilize the community verifiable building permit date on the theory that the issuance of the building permit is the first step in the building construction process. It is believed that the underwriting convention is consistent with community practice and, at the same time, provides the insurance producer with a date certain for rating purposes which, otherwise, is not obtainable from the local records. It would be preferable to have a common definition for both insurance and floodplain management purposes, and, in this proposed rule, the NFIP seeks ideas on how a common definition might be arrived at. Given the absence of a date certain for insurance rating purposes, however, the present flood-plain management definition is unusable from the perspective of the private sector insurance producer, which may necessitate that the NFIP's insurance component maintain a separate, insurance-related definition.

After due deliberation, FEMA has determined that the practice of insurance agents—of utilizing, as the start of construction date, the building permit date so long as construction is actually started within 180 days—is suitable for all NFIP purposes.

In addition, Part 61 of the amendments and the related flood insurance policy changes includes changes in the scope of coverage provided under the Standard Flood Insurance Policy, clarifications of some of the policy's present provisions, and a change in the waiting rule, governing the effective date of any coverage and limits of coverage added to the policy after its inception date, to permit calculation of the waiting period for new and renewal business to commence as of premium receipt, with the completed form (e.g., application form) in hand, by an employee of a Write-Your-Own (WYO) company or an agent of such company, under written contract to such WYO company. This action will provide better service to flood insurance policyholders and conform the effective date procedures more closely to the customary business practices of WYO insurers, as authorized by their arrangements with the Administrator and by Part 62 of the NFIP regulations.

The scope of coverage provided by the Standard Flood Insurance Policy has been addressed in terms beneficial to the program's policyholders. For example, at Part 61, in recognition of the fact that, in many of our older communities elevated buildings were enclosed below their elevated portions without the knowledge of the present policyholder-owners, the NFIP is amending the exclusionary language in the SFIP whereby coverage is not provided for finished elements enclosed and contained below the elevated floors of an elevated building to permit such coverage as to a building which was already in existence prior to the effective date of the community's initial Flood Insurance Rate Map (FIRM) so long as the building was not substantially improved, after issuance of the initial FIRM. This liberalization of the coverage will correct any inequity the present exclusion visits upon policyholders who purchased their buildings in ignorance of the condition and who, it may be fairly said, had no real opportunity to discover, when purchasing these buildings, that the buildings were initially constructed as elevated buildings. In another amendment, the policy language restricting the policyholder's rights to reformation of the policy to correct an innocently made rating error, which resulted in less coverage than the policyholder had requested by requiring the policyholder to request reformation no later than sixty (60) days from the date of loss, has been removed. This, for the reason that it was found, in actual practice (the aftermath of last year's Hurricane Alicia), that the restriction resulted in undue hardship because information as to possible innocent misratings of policies did not come to light, in the loss adjustment process, in time for policyholders to exercise their rights under the policy. This was the result of the NFIP incurring over 16,000 flood damage claims at a time when the private sector insurance industry sustained upwards of 275,000 wind damage claims, thereby straining available independent loss adjuster resources to the point where is was impossible, in all cases, to identify misrated policies in sufficient time to provide policyholders with the opportunity to avail themselves of their contractual rights. To rectify the problem, the policy provision was waived as to the Alicia claims and, in deleting the policy language in this rulemaking, the problem will be avoided in the future. Under the proposed amendment, while the government will not be obligated to send policyholders a

formal, written notice concerning a misrating problem, the loss adjustment procedure will alert insureds to the problem, in that policyholders will learn of insufficient limits of coverage in the adjustment of their losses, particularly where the damage exceeds the limits of coverage, as reduced by reason of the misrating error.

In a related policy language change, the collection of additional premium, payable by reason of an incorrect rating of a policy, will be limited to the current term and one prior policy term, which is more in line with additional premium collection practices in the private sector property insurance industry.

Another policy change is being proposed in furtherance of loss prevention, as an insurance concept, and hazard mitigation, which is one of the major goals of FEMA. In this amendment, policyholders will be able to make claim for the reasonable expenses incurred, up to the amount of the policy's deductibles, for the purchase of sandbags used in saving the property due to the imminent danger of a flood loss and preserving the property at the premises after a flood loss. However, to the extent not utilized for the purchase of sandbags, the policy's deductible amounts will be applied, as provided for in the policy, before the payment of any claim for flood damage. To avoid speculative stockpiling of costly sandbags the following conditions must be met for reimbursement under the policy to be possible:

(a) The insured property must be in imminent danger of sustaining flood damage; and

(b) The threat of damage must be such imminence as to lead a person of common prudence to apprehend flood damage; and

(c) A general and temporary condition of flooding in the area must occur, even if the flooding does not reach the insured property, or, the community in which the insured property is located must issue an evacuation order or other civil order calling for measures to preserve life and property from the peril of flood.

In order to clarify the NFIP's provision of Dwelling Form, SFIP, coverage to owners of condominium units, the policy is being amended to make it clear that dwelling units in condominium buildings can only be covered, along with the policyholder's insurable tenant in common interest in the building's common elements, up to the limits of building coverage purchased, as modified by the statutorily permissible limits of building coverage available for the insuring single-family dwellings under the Act. Thus, the further condition is explained in the amended policy language that, in the event of loss, recovery under the policy shall, to the extent the combined coverage (association and unit owner policies) exceeds the authorized statutory limits, be reduced by the amount of any condominium association flood insurance coverage available to the insured as a tenant in common.

To clarify the "Other Insurance" clause language in the Dwelling Form, SFIP, the provision is being revised to conform to the companion clause in the General Property Form, SFIP. Underlying the need for this change is the fact that some agents servicing the NFIP have pointed out that the "Other Insurance" clause in the Dwelling Form of the Standard Flood Insurance Policy, as amended in June of 1982, under one construction, would produce an unfair result in the case of a flood insurance claim settlement made to an individual who had purchased basic flood insurance limits, under the National Flood Insurance Program (NFIP), for example of $35,000 and, over and above that, supplemental flood insurance coverage from a private sector insurance company. The concern is that the "Other Insurance" clause, in providing that the NFIP insurance coverage would only apply, at the time of a loss, to a degree proportionate to the total amount of flood insurance covering the building, would result in a policyholder not being compensated up to the limit of the policyholder's NFIP policy where the additional private sector policy is written to provide coverage in excess of that amount of coverage available under the NFIP.

This would not be the result because, when the Dwelling Form clause was amended in June, 1982, it was not intended that the clause be interpreted any differently than its predecessor or, for that matter, than the "Other Insurance" clause in the General Property, or commercial, flood insurance policy form. Thus, the Dwelling Form coverage remains "primary" as to any excess flood insurance policy under the terms of the policy as it existed prior to the June, 1982 change. The amendment in June, 1982 was intended solely to simplify the policy language, not to change the substance of the "Other Insurance" clause.

To clear up the misunderstanding, the Dwelling Form is being amended, as discussed above.

At part 62 and in the cancellation provision of the SFIP, the policy is being amended so that a Standard Flood Insurance Policy insured may cancel a policy having a term of three (3) years, on an anniversary date, where the reason for the cancellation is that the policyholder has obtained or is obtaining a policy of flood insurance in substitution for the NFIP policy and the NFIP obtains a written concurrence in the cancellation from any mortgage of which the NFIP has actual notice. In additional, if the policyholder has extinguished the insured mortgage debt and is not longer required by the mortgagee to maintain the coverage, a three-year policy may be cancelled.

In such event, premium refund shall be on a short-rate basis, which will provide for a return to the insured of that proportion of the premium which the remainder of the policy period bears to the total policy, period less the expenses incurred by the NFIP in processing the cancellation (the standard "expense constant", defined in the policy as the flat charge paid by the policyholder to defray the government's policy-writing expenses). FEMA has determined, based upon an Environmental Assessment, that this rule does not have significant impact upon the quality of the human environment. A finding of no significant impact is included in the formal docket file and is available for public inspection and copying at the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 500 "C" Street, SW., Washington, D.C. 20472.

These regulations do not have a significant economic impact on a substantial number of small entities and have not undergone regulatory flexibility analysis.

The proposed rule is not a "major rule" as defined in Executive Order 12291, dated February 17, 1981 and, hence, no regulatory analysis has been prepared.

FEMA has determined that the proposed rule does not contain a collection of information requirement as described in Section 3504(h) of the Paperwork Reduction Act.

List of Subjects in 44 CFR Parts 59, 60, 61, and 62

Flood insurance.

Accordingly, Parts 59, 60, 61 and 62 of Subchapter B of Chapter 1 of Title 44 are proposed to be amended as follows:

PART 59—GENERAL PROVISIONS

1. a. At § 59.1, the definition of "Basement" is added in alphabetical order, as follows:

§ 59.1 Definitions.

* * * * *

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

* * * * *

b. At § 59.1, the definition of "Habitable Floor" is deleted.

2. At § 59.1, the definition of "Lowest Floor" is added is alphabetical order, as follows:

* * * * *

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; *Provided* that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3.

* * * * *

3. At § 59.1, the definition of "Start of Construction" is revised to read as follows:

* * * * *

"Start of construction" (for other than new construction or substantial improvements udner the Coastal Barrier Resources Act (Pub. L. 97–348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "actual start" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, the "actual start" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, the "actual start" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

* * * * *

4. Section 59.22(a)(9)(iii) is revised to read as follows:

§ 59.22 Prerequisites for the sale of flood insurance.

(a) * * *

(9) * * *

(iii) Maintain for public inspection and furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a FHBM or FIRM, any certificates of floodproofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structure contain a basement, and the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed;

* * * * *

PART 60—[AMENDED]

5. Section 60.3 (b)(5) and (e)(2) are revised to read as follows:

§ 60.3 Flood plain management criterions for flood-prove areas.

* * * * *

(b) * * *

(5) For the purpose of the determination of applicable flood insurance risk premium rates within Zone A on a community's FHBM: (i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement, (ii) obtain, if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed, and (iii) maintain a record of all such information with the official designated by the community under § 59.22(a)(9)(iii);

* * * * *

(e) * * *

(2) For the purpose of the determination of applicable flood insurance risk premium rates within Zone VI-30 on a community's FIRM: (i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not such structure contain a basement, (ii) obtain, if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed, and (iii) maintain a record of all such information with the official designated by the community under § 59.22(a)(9)(iii);

* * * * *

PART 61—[AMENDED]

6. Section 61.5 (f)(10) and (h)(2)(ii)(B) are revised to read as follows:

§ 61.5 Special Terms and Conditions.

* * * * *

(f) * * *

(10) Enclosures, contents, machinery, building components, equipment and fixtures located at an elevation lower than the lowest elevated floor of an elevated building, the start of construction or substantial improvement of which commenced on or after the effective date of the initial Flood Insurance Rate Map published for the community in which the building is located (except for the required utility connections and the footing, foundation, posts, piling, piers or other foundation walls and anchorage system as required for the support of the elevated building), including a mobile home; finished basement walls, floors, ceilings and other improvements to a basement having its floor subgrade on all sides, and contents, machinery, building equipment and fixtures in such basement areas; except that coverage is provided in basement areas and in areas below the lowest elevated floor of an elevated building for sump pumps, well water tanks, oil tanks, furnaces, hot water heaters, clothes washers and dryers, food freezers, air conditioners, heat pumps and electrical junction and circuit breaker boxes; and coverage is also provided in basement areas and in areas below the lowest elevated floor of an elevated building for stairways and staircases attached to the building which are not separated from the building by elevated walkways.

* * * * *

(h) * * *

(2) * * *

(ii) * * *

(B) Provided paragraph (h)(2)(ii)(A) of this section, does not apply, the insured remits and the insurer receives that additional premium required to purchase for the current policy term and for the previous policy term, if then insured, the limits of coverage for each kind of coverage as was initially requested by the insured within thirty (30) days from the date the insurer gives the insured written notice of additional

premium due, in which case the policy shall be reformed, from its inception date, to provide flood insurance coverage to the insured in the amounts of coverage initially requested. Silence or other failure to remit the additional premium required, or nonreceipt of such premium by the insurer within thirty (30) day from the date of notice of premium due, shall be deemed to be refusal to pay the additional premium due and any subsequent payment of the additional premium due shall not reform the policy from its inception date but shall only add the additional amounts of coverage to the policy for the remainder of its term, pursuant to 44 CFR 61.11, with any excess of premuim paid being returned to the insured. Provided, however, under this subsection "B" as to any mortgagee (or trustee) named in the policy, the insurer shall give a notice of additional premium due and the right of reformation shall continue in force for the benefit only of the mortgagee (or trustee), up to the amount of the insured indebtness, for thirty (30) days after written notice to the mortgagee (or trustee); provided, further, the insurer is under no obligation to send the insured any written notice of additional premium due or notice of premium due under this subsection "B."

* * * * *

7. Section 61.11(e) is revised to read as follows:

§ 61.11 Effective date and time of coverage under the Standard Flood Insurance Policy—New Business Applications and Endorsements.

* * * * *

(e) With respect to any submission of an application in connection with new business, the payment by an insured to an agent or the issuance of premium payment by the agent, does not constitute payment to the NFIP. Therefore, it is important that an application for Flood Insurance and its premium be mailed to the NFIP (P.O. Box 459, Lahnam, Maryland 20706) promptly in order to have the effective date of the coverage based on the application date plus the waiting period. If the application and the premium payment are received at the NFIP within ten (10) days from the date of application, the waiting period will be calculated from the date of application. Also, as an alternative, in those cases where the application and premium payment are mailed by certified mail within four (4) days from the date of application, the waiting period will be calculated from the date of application even though the application and premium payment are received at the NFIP after ten (10) days following the date of application. Thus, if the application and premium payment are received after ten (10) days from the date of the application or are not mailed by certified mail within four (4) days from the date of application, the waiting period will be calculated from the date of receipt by the NFIP. To determine the effective date of any coverage added by endorsement to a flood insurance policy already in effect, substitute the term "endorsement" for the term "application" in this paragraph (e). With respect to the submission of an application in connection with new business, a renewal of a policy in effect, and an endorsement to a policy in effect, the payment by an insured to an agent or the issuance of premium payment to a Write-Your-Own (WYO) Company by the agent, accompanied by a properly completed application, renewal or endorsement form, as appropriate, shall commence the calculation of any applicable waiting period under this section, provided, that the agent is acting in the capacity of an agent of a Write-Your-Own (WYO) Company authorized by 44 CFR 62.63, is under written contract to or is an employee of such Company, and such WYO Company is, at the time of such submission of an application in connection with new business or a renewal of or endorsement to flood insurance coverage, engaged in WYO business under an arrangement entered into by the Administrator and the WYO Company pursuant to § 62.63.

Appendix A(1) of Part 61 [Amended]

8. Appendix A(1) of Part 61, referenced at § 61.13, Standard Flood Insurance Policy, is amended, in the following particulars:

a. At "Article II—Losses Not Covered," paragraph B(1) is revised to read as follows:

* * * * *

B. Losses of the following nature:

1. Loss caused by your failure to use means reasonably accessible to you to save the property from loss resulting from a flood and to preserve the property after a flood; however, the reasonable expenses incurred by you for the purchase of sandbags used in saving the property due to the imminent danger of a flood loss and preserving the property at the premises after a flood loss, including the value of your own labor at prevailing Federal minimum wage rates, are a covered loss in an amount up to the amount of the policy's applicable deductibles. However, to the extent not used for the purchase of sandbags, the policy's deductible amounts will be applied, as provided for at Article VI, before the payment of any claim for flood damage. For reimbursement under this paragraph B(1) to apply, the following conditions must be met:

(i) The insured property must be in imminent danger of sustaining flood damage; and

(ii) The threat of flood damage must be of such imminence as to lead a person of common prudence to apprehend flood damage; and

(iii) A general and temporary condition of flooding in the area must occur, even if the flooding does not reach the insured property, or, the community in which the insured property is located must issue an evacuation order or other civil order calling for measures to preserve life and property from the peril of flood.

* * * * *

b. "Article IV—Property Covered" is amended by the addition of the following to subparagraph A.1. "* * * or, as described in the Application as a residence designed for principal use as a dwelling place for no more than one family, we cover your dwelling unit in a condominium building, along with your insurable tenant in common interest in the building's common elements, up to the limits of building coverage purchased, as modified by the statutorily permissible limits of building coverage available for the insuring of single-family dwellings under the Act; provided, in the event of loss, recovery under this policy shall, to the extent your combined coverage exceeds the authorized statutory limit, be reduced by the amount of any condominium association flood insurance coverage available to you as a tenant in common;"

* * * * *

c. "Article IV—Property Covered" is amended by the addition of the following at the end of subparagraph C. Limitation:

* * * In the case of personal property owned by you, as a dwelling unit owner, in common with other dwelling unit owners in a condominium building, in the event of a loss, recovery under this policy shall, up to the limits of contents coverage purchased, (as modified by the statutorily permissible limits of contents coverage available for the insuring of single-family dwelling owners under the Act and to the extent your combined coverage exceeds the authorized statutory limit) be reduced by the amount of any condominium association flood insurance coverage available to you as a tenant in common.

* * * * *

d. At "Article V—Property Not Covered", subparagraph F is amended by the addition of the following, after the first use of the phrase "lowest elevated floor of an elevated building":

* * * the start of construction or substantial improvement of which commenced on or after the effective date of the initial Flood Insurance Rate Map

published for the community in which the building is located.

* * * * *

e. At Article VIII—General Conditions and Provisions, paragraph C. Other Insurance is revised to read as follows:

* * * * *

C. Other Insurance.—We shall not be liable for a greater proportion of any loss, less the amount of deductible, from the peril of flood than the amount of insurance under this policy bears to the whole amount of flood insurance (excluding therefrom any amount of "excess insurance" as hereinafter defined) covering the property, or which would have covered the property except for the existence of this insurance, whether collectible or not.

In the event that the whole amount of flood insurance (excluding therefrom any amount of "excess insurance" as hereinafter defined) covering the property exceeds the maximum amount of insurance permitted under the provisions of the National Flood Insurance Act of 1968, or any acts amendatory thereof, it is hereby understood and agreed that the insurance under this policy shall be limited to a proportionate share of the maximum amount of insurance permitted on such property under said Act, and that a refund of any extra premium paid, computed on a pro rata basis, shall be make by us upon request in writing submitted not later than 2 years after the expiration of the policy term during which such extra amount of insurance was in effect.

"Excess Insurance" as used herein shall be held to mean insurance of such part of the actual cash value of the property as is in excess of the maximum amount of insurance permitted under said Act with respect to such property.

* * * * *

f. At Article VIII—General Conditions and Provisions, paragraph E. Cancellation of Policy By You is amended by the addition of a new subparagraph c, as follows:

* * * * *

c. You cancel a policy having a term of three (3) years, on an anniversary date, and the reason for the cancellation is:

(i) You have obtained or are obtaining a policy of flood insurance in substitution for this policy and we have received a written concurrence in the cancellation from any mortagagee of which the NFIP has actual notice, or (ii) you have extinguished the insured mortgage debt and are no longer required by the mortgagee to maintain the coverage.

Refund of any premium, under this subparagraph "c," shall be on a short-rate basis.

* * * * *

g. At Article VIII—General Conditions and Provisions, subparagraph F(2)(ii)(b) is amended by the addition, after the word "purchase," of the parenthetical phrase "(for the current policy term and the previous policy term, if then insured)"; and, by the deletion of the phrase "or within sixty (60) days of the loss if no notice of premium is received by you"; and, by the deletion of the phrase "or within sixty (60) days of the loss, whichever is sooner"; and, by the addition of the following, at the end of paragraph (F)(2)(ii)(b), after deletion of the period: "; provided, further, we are under no obligation to send you any written notice of additional premium due or notice of premium due under this subsection."

Appendix A(2) of Part 61 [Amended]

9. Appendix A(2) of Part 61, referenced at § 61.13, Standard Flood Insurance Policy, is amended, in the following particulars:

a. At the "PERILS EXCLUDED" section, paragraph F is revised to read as follows:

* * * * *

F. Caused directly or indirectly by neglect of the insured to use all reasonable means to save the property from loss resulting from a flood and to preserve the property after a flood; however, the reasonable expenses incurred by the insured for the purchase of sandbags used in saving the property due to the imminent danger of a flood loss and preserving the property at the premises after a flood loss, are a covered loss in an amount up to the amount of the policy's applicable deductibles. However, to the extent not used for the purchase of sandbags, the policy's deductible amounts will be applied, as provided for herein under "DEDUCTIBLES," before the payment of any claim for flood damage. For reimbursement under the paragraph 'F' to apply, the following conditions must be met:

(i) The insured property must be in imminent danger of sustaining flood damage; and

(ii) The threat of flood damage must be of such imminence as to lead a person of common prudence to apprehend flood damage; and

(iii) A general and temporary condition of flooding in the area must occur, even if the flooding does not reach the insured property, or, the community in which the insured property is located must issue an evacuation order or other civil order calling for measures to preserve life and property from the peril of flood. Provided, further, that for contents covered herein and subject to the terms of the policy, including the limits of liability, the Insurer will reimburse the Insured for reasonable expenses necessarily incurred by him for removal or temporary storage (not exceeding 45 days), or both, of insured contents, from the described premises because of the imminent danger of flood.

* * * * *

b. At the "PROPERTY NOT COVERED" section, paragraph F is amended by the addition of the following, after the first use of the phrase "lowest elevated floor of an elevated building":

"* * * the start of construction or substantial improvement of which commenced on or after the effective date of the initial Flood Insurance Rate Map published for the community in which the building is located * * *"

c. At the "GENERAL CONDITIONS AND PROVISIONS" section, subparagraph E (2)(ii)(B) is amended by the addition, after the word "purchase," of the parenthetical phrase "(for the current policy term and the previous policy term, if then insured)"; and, by the deletion of the phrase "or within sixty (60) days of the loss if no notice of premium is received by the insured"; and, by the deletion of the phrase "or within sixty (60) days of the loss, whichever is sooner"; and, by the addition of the following, at the end of subparagraph (E)(2)(ii)(B), after deletion of the period: "; provided, further, the insurer is under no obligation to send the insured any written notice of additional premium due or notice of premium due under this subsection."

d. At the "GENERAL CONDITIONS AND PROVISIONS" section, a new subparagraph is added to the end of paragraph K. Cancellation of Policy or Reduction in Amount of Insurance," as follows:

* * * * *

This policy, if it is a policy for a term of three years, may be cancelled at any of its anniversary dates at the request of the insured, provided, the insured has obtained or is obtaining a policy of flood insurance in substitution for this policy and the insurer receives a written concurrence in the cancellation from any mortgagee of which the insurer has actual notice, or the insured has extinguished the insured mortgage debt and is no longer required by the mortgagee to maintain the coverage.

* * * * *

PART 62—[AMENDED]

10. Section 62.5. "Premium Refund", is amended by the addition of the following:

§ 62.5 Premium Refund.

* * *A Standard Flood Insurance Policyholder may cancel a policy having a term of three (3) years, on an anniversary date, where the reason for the cancellation is that the policyholder has obtained or is obtaining a policy of flood insurance in substitution for the NFIP policy and the NFIP obtains a written concurrence in the cancellation from any mortgagee of which the NFIP has actual notice, or the policyholder has extinguished the insured mortgage debt and is no longer required by the mortgagee to maintain the coverage. In such event, premium refund shall be on a short-rate basis.

(National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1958), 42 U.S.C. 4001–4128; Reorganization Plan No. 3 of 1978 (43 FR 4193), E.O. 12127, dated March 31, 1979 (44 FR 19367) E.O. 11988, dated May 24, 1977 and 44 CFR 9, Delegation of Authority of Federal Insurance Administrator)

Issued at Washington, D.C., April 24, 1984.

Jeffrey S. Bragg,

Federal Insurance Administrator.

[FR Doc. 84-11410 Filed 4-26-84; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 510

[Docket No. 83-35]

Licensing of Independent Ocean Freight Forwarders

AGENCY: Federal Maritime Commission.

ACTION: Discontinuance of Proceeding.

SUMMARY: The Federal Maritime Commission has determined to discontinue this proceeding in light of the recent passage of the Shipping Act of 1984. Rules governing the licensing of independent ocean freight forwarders will be addressed in a future proceeding.

DATES: April 27, 1984.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: By Notice published in the Federal Register on August 26, 1983 (46 FR 38856), the Commission instituted this proceeding to prescribe certain rules governing the licensing of independent ocean freight forwarders. Comments have been received in response to the Notice.

The recently-enacted Shipping Act of 1984 has made it necessary for the Commission to review all of its rules pertaining to freight forwarders. The issues raised herein, therefore, are better addressed in a future rulemaking proceeding.

Accordingly, this proceeding is discontinued.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 84-11415 Filed 4-26-84; 8:45 am]

BILLING CODE 6730-01-M

46 CFR Parts 524, 531, and 536

[Docket No. 83-43]

Exemption of Nonexclusive Transshipment Agreements From the Filing Requirements of Section 15 of the Shipping Act, 1916 and Clarification of Part 524

AGENCY: Federal Maritime Commission.

ACTION: Discontinuance of Proceeding.

SUMMARY: The Federal Maritime Commission has determined to discontinue this proceeding in light of the recent passage of the Shipping Act of 1984. Rules governing exemptions of agreements will be addressed in future proceedings.

DATES: April 27, 1984.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: By Notice published in the Federal Register on October 4, 1983 (48 FR 45270), the Commission proposed to exempt nonexclusive transshipment agreements from the filing requirements of section 15 of the Shipping Act, 1916. In addition, the Notice contained a clarification of the scope of existing exemptions.

The recently enacted Shipping Act of 1984 has made it necessary for the Commission to review all of its existing exemptions inasmuch as the new statute's treatment of exemptions is somewhat different from the 1916 Act. The issues in this proceeding, therefore, are better addressed in a further rulemaking proceeding.

Accordingly, this proceeding is discontinued.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 84-11414 Filed 4-26-84; 8:45 am]

BILLING CODE 6730-01-M

46 CFR Part 528

[Docket No. 83-55]

Modification of Self-Policing Requirements for Section 15 Agreements

AGENCY: Federal Maritime Commission.

ACTION: Discontinuance of Proceeding.

SUMMARY: The Federal Maritime Commission has determined to discontinue this proceeding in light of the recent passage of the Shipping Act of 1984. Rules governing self-policing of agreements will be addressed in a future proceeding.

DATES: April 27, 1984.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: By Notice published in the Federal Register on August 26, 1983 (48 FR 55144), the Commission proposed to amend its procedures with respect to self-policing under section 15 of the Shipping Act, 1916. In response to numerous requests, the Commission stayed this proceeding indefinitely before the date of submission of comments (49 FR 3838).

The recently-enacted Shipping Act of 1984 alters radically the statutory scheme with respect to self-policing. Continuation of this proceeding, therefore, is not warranted.

Accordingly, this proceeding is discontinued.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 84-11417 Filed 4-26-84; 8:45 am]

BILLING CODE 6730-01-M

46 CFR Part 536

[Docket No. 84-3]

Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States; Intermodal Tariff Filing Requirements—Exemption From Certain Statutory Requirements and Amendment of Tariff Filing Regulations

AGENCY: Federal Martime Commission.

ACTION: Discontinuance of Proceeding.

SUMMARY: The Federal Martime Commission has determined to discontinue this proceeding in light of the recent passage of the Shipping Act of 1984. Rules governing tariff filing requirements for intermodal rates will be addressed in future proceedings.

DATE: April 27, 1984.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Martime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: By Notice published in the Federal Register on March 1, 1984, (49 FR 7609), the Commission proposed various amendments to its rules governing the filing of intermodal rates. Time within

which comments on the proposal may be made has not yet expired.

The recently enacted Shipping Act of 1984 requires the Commission to conduct a comprehensive review of its tariff filing regulations. Continuation of this proceeding, therefore, is not warranted.

Accordingly, this proceeding is discontinued.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 84-11418 Filed 4-26-84; 8:45 am]

BILLING CODE 6730-01-M

46 CFR Part 536

[Docket No. 81-50]

Per-Container Rates—Tariff Filing Requirements Applicable to Carriers and Conferences in the Foreign Commerce of the United States

AGENCY: Federal Maritime Commission.

ACTION: Discontinuance of proceeding.

SUMMARY: The Federal Maritime Commission has determined to discontinue this proceeding in light of the recent passage of the Shipping Act of 1984. Rules governing filing requirements for per-container rates will be addressed in a future proceeding.

DATE: April 27, 1984.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: By Notice published in the Federal Register on August 28, 1981 (46 FR 43474), the Commission instituted this proceeding to prescribe procedures for filing of per-container rates by carriers and conferences in the foreign commerce of the United States. After receipt and consideration of comments, the Commission published final rules on June 14, 1982 (47 FR 25532). Subsequently, the effective date of the rules was postponed pending decision on various petitions for reconsideration (47 FR 45883).

The recently enacted Shipping Act of 1984 has made it necessary for the Commission to review all of its tariff filing requirements. The issues raised herein, therefore, are better addressed in a future rulemaking proceeding.

Accordingly, this proceeding is discontinued.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 84-11416 Filed 4-26-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 42

[CC Docket No. 84-283; FCC 84-143]

Revision of Part 42 of the Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: The Commission has instituted a Notice of Inquiry into the retention periods, the types of records to which retention periods apply, and the instructions prescribed by Part 42 of its Rules and Regulations to identify provisions that place unnecessary burdens on the carriers. Comments may be used in the development of a Notice of Proposed Rulemaking revising Part 42 to eliminate unnecessary regulatory burdens as required by the Paperwork Reduction Act of 1980.

DATES: Comments are due on or before May 17, 1984. Reply comments are due on or before June 1, 1984.

ADDRESS: Comments in response to this Notice should be submitted to the Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael E. Wilson, Audits Branch, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, Telephone No. (202) 634-1965.

List of Subjects in 47 CFR Part 42

Communications Common Carriers.

Notice of Inquiry

In the matter of Revision of Part 42, Presentation of Records of Communication Common Carriers, CC Docket No. 84-283.

Adopted: April 11, 1984.

Released: April 17, 1984.

By the Commission.

I. Introduction

1. This Notice of Inquiry solicits information regarding ways to reduce the paperwork burdens associated with Part 42, Preservation of Records of Communications Common Carriers, of our Rules and Regulations. Inasmuch as the carriers bear the direct burden of retaining the records required by Part 42, we are particularly interested in obtaining their specific comments concerning categories of records, retention periods, or other provisions of Part 42 that they find to be burdensome. We are also interested in the views of other parties whose interests might be affected by changes in Part 42. We believe these comments will provide a basis for proposing specific changes to Part 42 in a subsequent proposed rule.

II. Discussion

2. We prescribe record retention requirements for carriers providing telephone and telegraph services in Part 42 to assure the availability of carrier records that may be necessary for the fulfillment of our regulatory responsibilities. Our current approach in meeting this objective is to prescribe retention requirements for a comprehensive list of records consisting of some 700 categories and subcategories. For most of these records we prescribe specific retention periods that range from a few months to permanent. For many categories, however, we merely indicate that retention of the records is optional at the discretion of the carrier.

3. The last major revision of Part 42 occurred in 1960. Since that time there have been significant changes in the structure of the telecommunications industry and the regulatory policies that affect it. These changes include the AT&T divestiture,[1] the introduction of competition into the industry, and an increase in the range of services offered by communications carriers. There has also been increased concern within the government and the business community regarding regulatory burdens, especially unnecessary paperwork.[2] Perhaps most significantly, there has been widespread conversion of most business records from hard copy to computer data bases.

4. Because of these changes and concerns, we believe that Part 42 should be reviewed and modified to eliminate any unnecessary burdens. In our preliminary analysis of Part 42, we have recognized that carriers must retain records for a variety of reasons in the normal course of business irrespective of Part 42. We assume, therefore, that

[1] United States v. American Telephone and Telegraph Company, 552 F. Supp. 131 (D.D.C. 1982), *aff'd sub. nom.* Maryland v. United States, 103 S. Ct. 1240 (1983).

[2] See, for example, the Paperwork Reduction Act of 1980, 44 U.S.C. 35.01-35.20 (Supp. IV 1980). Also, as part of our Regulatory Flexibility Act review, we requested general comments on all parts of our Rules and Regulations. See 47 Fed. Reg. 58315, December 30, 1982. Comments on Part 42 recommended several modifications of our existing requirements as well as the initiation of a proceeding to consider comprehensive revision.

Part 42 imposes record retention "burdens" on the carriers only to the extent that it requires them to retain records beyond their own needs. It is our current view that this Commission's need for carrier records would seldom exceed the carriers' needs for records for other purposes. Thus, it appears that Part 42, when properly amended, should assure the availability of records for our regulatory purposes without imposing any significant burden on the carriers.

5. The primary purpose of this Notice of Inquiry, therefore, is to obtain carrier comments that specifically identify provisions of Part 42 that require them to retain records beyond their needs. As a basis for further discussion, we have identified three areas of focus and concern in Part 42: (1) the prescribed retention periods, (2) the content of the list of records and (3) the general instructions.

Prescribed Retention Periods

6. It appears that the key element in reducing the burden of record retention requirements centers on the prescribed retention periods. There would appear to be little or no burden, for example, in requiring a carrier to retain a record it would retain for other purposes regardless of our requirement. Similarly, there would appear to be no burden associated with listing records that carriers may retain or not at their own discretion. A primary objective of this proceeding, therefore, is to identify each prescribed retention period that exceeds the retention period the carriers would otherwise use and to obtain an indication of the period the carriers would use for their own purposes. This will provide us an opportunity to evaluate retention periods which the carriers believe to be excessive and to determine if there is any compelling regulatory need for the longer requirement.

Content of the List of Records

7. Our preliminary view is that revising the list of records in Part 42 offers less potential for reducing burden than revising the retention periods. This view is based on the presupposition that requiring the retention of a record imposes little or no burden unless it requires retention beyond the period that the record would otherwise be retained. We are uncertain, therefore, to what extent we should consider revising the list of records. For example, our initial reaction was that all optional items on the list of records should be eliminated because they do not assure the availability of records for our regulatory purposes. Upon further consideration, however, we recognize that these items add little to carrier burdens and, in fact, may be useful in that they specifically identify records that carriers need not retain.

8. Nevertheless, we believe possibilities may exist for revising the prescribed list of records in Part 42 to make the list more useful or less burdensome. We therefore request the submission of comments which identify obsolete and burdensome items as well as proposals for the modification of the list to make it more useful. Recommended changes should be accompanied by a justification stating the benefits to the carriers.

The General Instructions

9. Sections 42.01 through 42.8 prescribed the applicability and general instructions associated with Part 42. Our review of these sections has not revealed any obvious burdens on the carriers. However, because the carriers must comply with these sections, they may be aware of some burdens that we have not considered. We are therefore seeking comments on any modifications to the instructions which would reduce the cost of meeting the requirements.

10. Finally, to the extent that any party wishes to propose alternative approaches to our present method of prescribing and satisfying our record retention requirements, we encourage the submission of comments stating the proposal in detail. Alternatives directed towards reducing record retention costs should also take into consideration our objectives for prescribing record retention requirements. Where revisions of existing requirements and/or retention periods are also proposed, the new approach should distinguish between the revision of Part 42 as it is currently constituted and the practice which would exist under the alternative approach.

III. Ordering Clauses

11. This Inquiry is instituted pursuant to Sections 4(i), 4(j), 220 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 220 and 403.

12. Pursuant to the procedures set forth in §§ 1.430 and 1.415, of the Commission's Rules and Regulations, 47 CFR 1.430 and 1.415, interested persons may file comments either on or before May 17, 1984, and reply comments either on or before June 1, 1984. All relevant and timely comments will be considered by the Commission before the final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

13. Pursuant to §§ 1.430 and 1.419 of the Commission's Rules and Regulations, 47 CFR 1.430 and 1.419, an original and five copies of all comments and other materials shall be furnished to the Commission. Participants wishing each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

14. Pursuant to Section 220(i) of the Communications Act of 1934, as amended, 47 U.S.C. 220(i), the Secretary of the Federal Communications Commission shall cause a copy of this Notice of Inquiry to be served on each state commission.

Federal Communications Commission.

William J. Tracarico,

Secretary.

[FR Doc. 84-11341 Filed 4-26-84; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket 84-376; RM-4633]

FM Broadcast Stations Abilene and Tye, Texas; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communication Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 292A to Abilene, Texas, in response to a petition filed by James F. Sayre. The assignment could provide a fourth FM service to that community. At the same time, we are also proposing to reassign FM Channel 257A from Abilene to Tye, Texas, to reflect its actual usage.

DATES: Comments must be filed on or before June 15, 1984, and reply comments must be filed on or before July 2, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Abilene and Tye, Texas) MM Docket No. 84-376, RM-4633.

Adopted: April 5, 1984.

Released: April 24, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rulemaking has been filed by James F. Sayre ("petitioner"), requesting the assignment of FM Channel 292A to Abilene, Texas, as that community's fourth FM assignment. Although Abilene is assigned Channel 257A, that channel is presently being used at Tye, Texas, and we are proposing to reassign the channel to reflect its actual use in that community. Petitioner states that he will apply for Channel 292A, if assigned. The channel can be assigned to Abilene in compliance with the minimum distance separation requirements of the Commission's Rules.

2. The assignment of Channel 292A to Abilene, Texas, could provide that community with a fourth FM assignment. We are also proposing to reassign Channel 257A from Abilene to Tye, Texas, to reflect its actual usage. Comments are invited on the proposal to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to the following communities:

City	Channel No.	
	Present	Proposed
Abilene, Texas	257A, 264, 286, and 300.	264, 286, 292A, and 300.
Tye, Texas		257A.

3. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before June 15, 1984, and reply comments on or before July 2, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner, as follows: Edward M. Johnson & Associates, Inc., One Regency Square, Suite 450, Knoxville, Tennessee 37915 (consultant to James F. Sayre).

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rulemaking proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

6. For futher information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to the Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rulemaking other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s), who filed the comment to which the reply is directed, constitute an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested

parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-11346 Filed 4-26-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-377; RM-4600; RM-4651]

FM Broadcast Station in South Padre Island, Texas; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of FM Channels 224A and 237A to South Padre Island, Texas, as that community's first and second local FM broadcast services, in response to separate petitions filed by Allen Sheets and Richard Sweetland.

DATE: Comments must be filed on or before June 18, 1984, and reply comments on or before July 3, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations (South Padre Island, Texas) MM Docket No. 84-377, RM-4600, RM-4651.

Adopted: April 17, 1984
Released: April 25, 1984.
By the Chief, Policy and Rules Division.

1. Separate petitions for rule making have been filed by Allen Sheets ("Sheets") and Richard Sweetland ("Sweetland") seeking the assignment of Channels 224A and 237A, respectively, to South Padre Island, Texas, as that community's first and second FM allocations. Each petitioner indicates that he will apply for the channel, if assigned as proposed.

2. We believe the proposals warrant consideration since they could provide a first and second local FM service to South Padre Island, Texas. The channels can be assigned in conformity with the domestic minimum distance separation requirements of Section 73.207 of the Commission's Rules. However, since South Padre Island is located within 320 kilometers (199 miles) of the common U.S.-Mexican border, the Commission must obtain the Mexican Government's consent to the proposals.

3. In view of the foregoing, we consider it appropriate to elicit comments on the proposals to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
South Padre Island, Texas		224A, 273A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 18, 1984, and reply comments on or before July 3, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel, or consultant, as follows:

Allen Sheets, 300 Mulvaney, Apt. D-20, Knoxville, TN 37915, and
Arthur Stambler, Esq., Andrew Ritholz, Esq., Lovett, Hennessey, Stambler & Siebert, P.C., 1901 L Street, NW, Suite 200, Washington, DC 20036 (Counsel for Richard Sweetland)

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), and 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in

connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-11347 Filed 4-26-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[Docket No. 84-374; RM-4629; RM-4722]

Television Broadcast Stations in Inverness and Williston, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 64 to Inverness, Florida, or to Williston, Florida. The petitions were filed by H. James Sharp and Jim Johnson Enterprises, Inc. The proposals could provide a first UHF television service to either community.

DATES: Comments must be filed on or before June 15, 1984, and reply comments on or before July 2, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rulemaking

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Inverness and Williston, Florida) MM Docket No. 84-374, RM-4629, RM-4722.

Adopted: April 5, 1984.

Released: April 24, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration two conflicting petitions for the assignment of UHF Television Channel 64. H. James Sharp ("Sharp"), requests the assignment to Inverness, Florida.[1] Jim Johnson Enterprises, Inc. ("Johnson"), proposed that Channel 64 be assigned to Williston, Florida. Both parties filed information in support of the proposals and indicated their intention to apply for the channel, if assigned.

2. Inverness (population 4,095),[2] seat of Citrus County (population 54,703), is located in west central Florida, approximately 96 kilometers (60 miles) north of Tampa, Florida. Williston (population 2,240),[2] in Levy County (population 19,870) is located in north central Florida, approximately 140 kilometers (85 miles) southwest of Jacksonville, Florida.

3. Channel 64 could provide a first television service to either community. However, it cannot be assigned to both. Section 73.610 of the Commission's Rules require a minimum distance separation of 205 miles between the stations. The Inverness and Williston sites are approximately 38 miles apart.

4. A staff engineering study reveals that there are no other channels available to Inverness or Williston. Channel 64 could be assigned to Inverness in compliance with the minimum distance separation requirements. Channel 64 could also be assigned to Williston provided there is a site restriction of 3.1 miles southwest of the community to avoid short spacing to the proposed assignment of Channel 63 in Palatka, Florida. In light of these considerations, we shall propose to assign UHF Television Channel 64 to Inverness of Williston, Florida. Interested parties should provide comments comparing the need for a first TV service.

[1] Petitioner originally requested Channel 63. We have substituted Channel 64 in order to avoid conflict with the proposed assignment of Channel 63 to Palatka, Florida (MM Docket 83-1121).

[2] Population figures were extracted from the 1980 U.S. Census.

5. In view of the foregoing, we consider it appropriate to elicit comments on the proposals to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

City	Channel No	
	Present	Proposed
Inverness, Fla.; or Williston, Fla.		64

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before June 15, 1984, and reply comments on or before July 2, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows:

H. James Sharp, 7473 Overton Drive, Leesburg, Florida 32748

Jeffrey D. Southmayd, Southmayd & Powell, 1764 Church Street, NW., Washington, D.C. (counsel for Jim Johnson Enterprises, Inc.)

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered

in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(e)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. The will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-11344 Filed 4-26-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-375; RM-4589]

Television Broadcast Station in Perry, Georgia; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 58 to Perry, Georgia, as that community's first television service.

DATES: Comments must be filed on or before June 15, 1984, and reply comments on or before July 2, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rulemaking

In the matter of Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Perry, Georgia) (MM Docket No. 84-375 RM-4589).

Adopted: April 5, 1984.

Released: April 24, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Lowell Register ("petitioner"), seeking the assignment of UHF Television Channel 58 to Perry, Georgia, as that community's first television service. Petitioner submitted information in support of the proposal and expressed his interest in applying for the channel, if assigned.

2. Perry (population 9,453)[1], the seat of Houston County (population 77,605) is located in central Georgia approximately 160 kilometers (100 miles) south of Atlanta.

3. We believe the petitioner's proposal warrants consideration. The channel can be assigned consistent with the minimum distance separation requirements of §§ 73.610 and 73.698 of the Commission's Rules.

4. In view of the foregoing and the fact that the proposed assignment could provide a first local television broadcast service to Perry, the Commission believes it is appropriate to propose amending the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Perry, Georgia		58+

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before June 15, 1984, and reply comments on or before July 2, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner, as follows: Lowell Register, P.O. Box 1246, Perry, Georgia 31069.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to

[1] Population figures were extracted from the 1980 U.S. Census.

amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 Fed. Reg. 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(e)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, Section 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attaached. Proponent(s) will be expected to answer whatever questions are presented in inital comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of §1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-11345 Filed 4-26-84; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 40452-4052]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues a proposed rule to implement Amendment 13 to the fishery management plan for Groundfish of the Gulf of Alaska. This amendment adjusts the management of the pollock resource by combining the Western and Central Regulatory Areas of the Gulf of Alaska for managing the pollock fisheries and increasing the optimum yield of pollock for the combined area from 200,000 metric tons (mt) to 400,000 mt. This action is intended to allow both the harvest of the increased surplus production of the pollock resource and the distribution of fishing effort according to pollock availability. It makes permanent regulations implemented by an emergency interim rule that became effective March 20, 1983.

DATE: Comments on the amendment and proposed rule are invited until June 11, 1984.

ADDRESS: Comments should be mailed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, or delivered to Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska. Copies of the amendment and the environmental assessment/initial regulatory flexibility analysis may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510, telephone 907-274-4563.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Management Biologist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign fisheries in the fishery conservation zone of the Gulf of Alaska are managed under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The FMP was developed by the North Pacific Fishery Management Council (Council), and implemented December 1, 1978 (43 FR 52709, November 14, 1978). Eleven amendments to the FMP have been approved and implemented. A

twelfth amendment that addresses the domestic sablefish longline fishery has been approved by the Council, but has not yet been submitted to the Secretary of Commerce (Secretary) for review.

Amendment 13 to the FMP, the subject of this action, was adopted by the Council at its December 7–9, 1983, meeting. The amendment proposes (1) to combine the Western and Central Regulatory Areas of the Gulf of Alaska into one unit for managing the pollock fisheries only, and (2) to increase the optimum yield (OY) for pollock for the Western-Central Area from 200,000 mt to 400,000 mt.

The increased pollock OY would be apportioned such that domestic annual processing (DAP)=9,000 mt; joint venture processing (JVP)=210,300 mt; reserves=80,000 mt, and total allowable level of foreign fishing (TALFF)=100,700 mt.

Because the OY for "other species" is calculated as five percent of the sum of the upper range of the OYs for target species, it is increased accordingly from 18,718 mt to 28,780 mt. The "other species" OY would be apportioned such that DAP=100 mt; JVP=400 mt; reserves=5,756 mt; and TALFF=22,524 mt.

These apportionment figures are based on a NMFS survey of the amounts of these OYs that will be used by the U.S. industry during 1984. The projected 1984 DAP amount for pollock presented by NMFS to the Council when it adopted Amendment 13 was a total of 24,360 mt for the Western and Central Areas. This DAP figure was later discovered to be overstated by 15,360 mt due to a reporting error submitted to NMFS during its survey. Therefore, the initial 1984 DAP was reduced to 5,910 mt.

At its December, 1983, meeting, the Council voted unanimously to increase the pollock OY for the combined Western and Central Areas from 200,000 mt to 400,000 mt, and it apportioned the increased OY into DAP=9,000 mt, JVP=210,300 mt, reserves=80,000 mt, and TALFF=100,700 mt. These new values became effective by an emergency interim rule on March 20, 1984 (49 FR 10931, March 23, 1984).

The annual initial apportionment of the 400,000 mt pollock OY established under this amendment could vary from year to year depending on the amounts expected to be used by the U.S. industry as set forth under the rule implementing Amendment 11 to the FMP (48 FR 43044, September 21, 1983).

The actions proposed under Amendment 13 have been implemented by the emergency interim rule (49 FR 10931, March 23, 1984) to provide timely optimum harvest of the pollock resource and to prevent undue restriction and economic hardship to the U.S. groundfish fishery. A detailed rationale for establishing a combined pollock OY of 400,000 mt for the Western and Central Areas under Amendment 13 is set forth in the preamble to the emergency rule.

This proposed rule also corrects minor errors in footnotes 1 and 5 to Table 1 of section 672.

Classification

Section 304(a)(1)(C)(ii) of the Magnuson Act, as amended by Pub. L. 97–453, requires the Secretary to publish regulations proposed by a council within 30 days of receipt of the amendment and regulations. At this time, the Secretary has not determined that the amendment these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and other comments received during the comment period.

An environmental assessment/final regulatory flexibility analysis (EA/FRFA) was prepared for the emergency rule mentioned above. This assessment, which is also the EA/initial regulatory flexibility analysis (IRFA) for Amendment 13, concludes that no significant impact on the human environment will occur as a result of this rule. You may obtain a copy of the EA/IRFA from the Council at the address above.

The NOAA Administrator determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. He made his decision on the basis of the cost/benefit analysis contained in the EA/IRFA. This proposed rule is exempt from the regular procedures of E.O. 12291 under section 8(a)(2) of that order because deadlines imposed under the Magnuson Act, as amended by Pub. L. 97–453, require the Secretary to publish this proposed rule 30 days after its receipt. The proposed rule is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the regular procedures of the order.

This rule, if approved, will have a significant beneficial economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612, based on the analysis contained in the EA/IRFA. The cost/benefit analysis in the EA/IRFA was summarized in the preamble to the emergency interim rule at 49 FR 10931.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of the State of Alaska. This determination has been submitted for review by the responsible State agency.

List of Subjects in 50 CFR Part 672

Fish, Fisheries, Reporting and recordkeeping requirements.

Dated: April 24, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Part 672 is amended as follows:

PART 672—GROUNDFISH OF THE GULF OF ALASKA

1. The authority citation for Part 672 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

§ 672.20 [Amended]

2. In § 672.20, Table 1 the entries for pollock and "other species" are revised to read as follows:

TABLE 1.—INITIAL (AS JAN. 1, EACH YEAR) OPTIMUM YIELD (OY), DOMESTIC ANNUAL HARVEST (DAH) DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), RESERVE, AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS

Species	Species code	Areas	OY	DAH	DAP	JVP	Reserve	TALFF
Gulf of Alaska Groundfish Fishery:								
Pollock	701	Western-Central [1]	400,000	219,300	9,000	210,300	80,000	100,700
		Eastern [1]	16,600	300	300	0	3,320	12,980
		Total	416,600	219,600	9,300	210,300	83,320	113,680
*	*	*	*	*	*	*	*	*
Other species [5]	499	Total	28,780	500	100	400	5,756	22,524

[1] See § 672.2 and figure 1 of § 611.92 for description of regulatory areas and districts.

* * * * * * * *

[5] The category "other species" includes sculpins, sharks, skates, smelts, capelin, and octupus.

[FR Doc. 84-11393 Filed 4-26-84; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 49, No. 83
Friday, April 27, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Week Ended April 20, 1984.

Subpart Q Application

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Apr. 16, 1984	42139	Pride Air, Inc., c/o Lee M. Hydeman, Hydeman, Mason, Burzio & Lloyd, 1220 19th Street, NW., Washington, D.C. 20036. Application of Pride Air, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity which would authorize it to engage in scheduled air transportation of passengers, property, and mail, between any point in the United States and any other point in the United States. Conforming Applications, Motions to Modify Scope and Answers may be filed by May 14, 1984.
Apr. 17, 1984	42142	Northeastern International Airways, Inc., c/o James Lawrence Smith, 1600 S.E. 10th Terrace, P.O. Box 21747, Ft. Lauderdale, Florida. 33335-1747. Application of Northeastern International Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests that it be issued a certificate of public convenience and necessity to engage in air transportation of persons, property and mail between points in the United States, on the one hand, and a point in a foreign country as follows: "Between Miami, Florida, on the one hand, and Madrid, Spain on the other and points beyond pursuant to Route 2 of the U.S.-Spain Bilateral Air Transport Agreement." Conforming Applications, Motions to Modify Scope and Answers may be filed by May 15, 1984.
Apr. 20, 1984	42156	Aloha Airlines, Inc., c/o James T. Lloyd, Hydeman, Mason, Burzio & Lloyd 1220 19th Street NW., Suite 700, Washington, D.C. 20036. Application of Aloha Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests the Board to issue it a certificate of public convenience and necessity to engage in scheduled air transportation of passengers, property and mail, as follows: "Between a point or points in the United States (other than Sarasota/Bradenton, Orange County, and West Palm Beach), Puerto Rico; Guam and the Virgin Islands, on the one hand, and coterminal point or points in Korea; Indonesia; Singapore; Thailand; Taiwan and Hong Kong, on the other hand." Conforming Applications, Motions to Modify Scope and Answers may be filed by May 18, 1984.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-11465 Filed 4-26-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket 42155]

Premiere Airlines, Inc., Continuing Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to him.

Dated: Washington, D.C., April 23, 1984.

Elias C. Rodriguez,
Chief Administrative Law Judge.

[FR Doc. 84-11466 Filed 4-26-84; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of Export Trade Certificate of Review.

SUMMARY: The Department of Commerce has issued an export trade certificate of review to Fleetwood International Inc., operating under its own name and the trade name of BMIL (Balfour Maclaine International, Ltd.) ("Fleetwood"). This notice summarizes the conduct for which certification has been granted.

ADDRESS: The Department requests public comments on this certificate. Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Comments should refer to the certificate as "Export Trade Certificate of Review, application number 84-00006."

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export

Trading Companies, Office of General Counsel, 202/377-0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. No. 97-290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing the Act are found at 48 FR 10595-604 (March 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and government criminal and civil suits under federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards for Certification

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant;
2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant;
3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant; and
4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meets these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937-40 (April 13, 1983).

Description of Certified Conduct

The Office of Export Trading Company Affairs received an application for an export trade certificate of review from Fleetwood on January 24, 1984. The application was deemed submitted on January 25, 1984. A summary of the application was published in the Federal Register on February 8, 1984 (49 FR 4809-4810). Based on analysis of the information contained in the application and other information in their possession, the Department of Commerce has determined, and the Department of Justice concurs, that the following export trade, export trade activities, and methods of operation specified by Fleetwood meet the four standards of the Act:

Export Trade

(a) *Refrigeration and Cold Storage Equipment:* Commercial and industrial refrigeration equipment, coldstore, cold storage and freezer equipment, including insulated panels for the construction of cold storage and freezer facilities, spare parts and supplies, and complementary products.

(b) *Related Services:* Export marketing sales research, product research and design, foreign advertising, joint trade promotions, financing, transportation, insurance, maintenance of the Products, warehousing, legal, management, engineering and architectural services, technical assistance to end-users or intermediaries.

Export Markets

The Export Markets include all parts of the world except Canada and the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

Fleetwood is certified:

(a) To enter into and terminate exclusive independent agreements with Bally Case & Cooler, Inc. and any other Supplier separately wherein:

(1) Fleetwood agrees not to represent any competitors of such Supplier as an Export Intermediary unless authorized by the Supplier,

(2) The Supplier agrees not to sell, directly or indirectly through any other intermediary, into the Export Markets in which Fleetwood represents the Supplier as an Export Intermediary and, if such sales do occur, to pay a commission to Fleetwood, or

(3) Both (1) and (2) above.

(b) To enter into and terminate exclusive agreements with Export Intermediaries wherein:

(1) Fleetwood agrees to deal in Refrigeration and Cold Storage Equipment in the Export Markets only through that person,

(2) That person agrees not to represent Fleetwood's competitors in the Export Markets or not to buy from Fleetwood's competitors for resale in the Export Markets, or

(3) Both (1) and (2) above.

(c) To enter into exclusive or nonexclusive agreements with an individual buyer in the Export Markets to act as a Purchasing Agent with respect to a particular transaction.

(d) For Fleetwood itself or while acting as an Export Intermediary for separate Suppliers, to:

(1) establish prices and quantities at which Refrigeration and Cold Storage Equipment will be acquired, sold or resold for or in the Export Markets,

(2) establish the price and other terms of sale at which Related Services will be acquired, sold or resold for or in the Export Markets,

(3) allocate foreign territories or customers among Fleetwood's Export Intermediaries or to a Supplier and that Supplier's Export Intermediaries, or

(4) any combination of (1), (2) and (3) above.

Fleetwood may engage in the activities in (d) above by agreement with Fleetwood's Export Intermediaries, by independent agreement with separate Suppliers, by agreement with that Supplier's Export Intermediaries, or on the basis of its own determination.

(e) To disclose to an individual buyer in the Export Market prices and other terms of export marketing or sale.

Definitions

For purposes of this certificate, the following terms are defined:

(a) "Export Intermediary" means:

(1) "Broker"—a person that locates buyers in the Export Markets for the Supplier or that locates Suppliers for buyers in the Export Markets on a straight commission or cost-plus commission basis and that, in so acting, offers, provides or engages in some or all Related Services;

(2) "Distributor"—a person that purchases Refrigeration and Cold Storage Equipment for its own account from a Supplier, that may establish the resale price or maintain an inventory of Refrigeration and Cold Storage Equipment for prospective, unidentified sales and that, in so acting, offers, provides or engages in some or all Related Services; or

(3) "Sales Representative or Agent"—a person that identifies and locates Refrigeration and Cold Storage Equipment for sale, gives advice on or chooses among prospective buyers in the Export Markets, advises on or negotiates prices, quantities and other sale terms and conditions, sells Refrigeration and Cold Storage

Equipment for its own account or for the account of others and that, in so acting, offers, provides or engages in some or all Related Services.

(b) "Purchasing Agent"—an intermediary who identifies and locates Refrigeration and Cold Storage Equipment for purchase, gives advice on or chooses among prospective Suppliers, advises on or negotiated prices, quantities and other purchase terms and conditions, and purchases Refrigeration and Cold Storage Equipment for its own account or for the account of others and who, in so acting offers, provides or engages in some or all Related Services.

(c) "Supplier"—a person that produces or sells Refrigeration and Cold Storage Equipment to be exported from the United States or Related Services.

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.5(c), which requires the Department of Commerce to publish a summary of a certificate in the Federal Register. Under section 305(a) of the Act and 15 CFR 325.10(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4001-B, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. The certificates may be inspected and copied in accordance with regulations published in 15 CFR Part 4. Information about the inspection and copying of records at this facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

Dated: April 20, 1984.

Irving P. Margulies,

General Counsel.

[FR Doc. 84-11412 Filed 4-20-84; 8:45 am]

BILLING CODE 3510-DR-M

[A-588-019]

Cyanuric Acid and Its Chlorinated Derivatives From Japan Used in the Swimming Pool Trade; Antidumping Duty Orders

AGENCY: Import Administration, International Trade Administration.

ACTION: Antidumping duty orders.

SUMMARY: In separate investigations, the United States Department of Commerce and the United States International Trade Commission (ITC) have determined that cyanuric acid and its chlorinated derivatives from Japan used in the swimming pool trade are being sold at less than fair value and that sales of cyanuric acid and its chlorinated derivatives from Japan are materially injuring a United States industry. Therefore, all entries, or warehouse withdrawals, for consumption of cyanuric acid and its chlorinated derivatives from Japan used in the swimming pool trade (except cyanuric acid produced by Nissan Chemical Industries, Ltd.) made on or after November 18, 1983, the date on which the Department published its "Suspension of Liquidation" notice in the Federal Register, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of these antidumping duty orders in the Federal Register.

EFFECTIVE DATE: April 27, 1984.

FOR FURTHER INFORMATION CONTACT: Mary A. Martin, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. Telephone: (202) 377-1778.

SUPPLEMENTARY INFORMATION: The merchandise covered by these investigations is cyanuric acid (also known as isocyanuric acid) and its chlorinated derivatives (dichloro isocyanurates, i.e. sodium dichloro isocyanurate, potassium dichloro isocyanurate, and sodium dichloro isocyanurate dihydrate, and trichloro isocyanuric acid), used in the swimming pool trade. For purposes of these investigations, we have categorized the merchandise as cyanuric acid, dichloro isocyanurates, and trichloro isocyanuric acid, which we determine are separate classes or kinds of merchandise. We base this determination on the fact that the chemical compositions of these products are distinct. Further, cyanuric acid is a raw material used as the basis for producing the chlorinated derivatives. By comparison, dichloro isocyanurates and trichloro isocyanuric acid are used as swimming pool disinfectants. Trichloro isocyanuric acid dissolves more slowly than dichloro isocyanurates, and thus lasts longer. These products are sold in three basic consistencies: powder, granular, and tablet.

This merchandise is currently classifiable under item number 425.1050 of the *Tariff Schedules of the United States Annotated* (TSUSA).

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on November 18, 1983, the Department published its preliminary determinations that there was reason to believe or suspect that cyanuric acid and its chlorinated derivatives from Japan used in the swimming pool trade were being sold at less than fair value (48 FR 52497). On February 29, 1984, the Department published its final determinations that these imports were being sold at less than fair value (49 FR 7424).

On April 13, 1984, in accordance with section 735(b) of the Act (19 U.S.C. 1673b), the ITC notified the Department that such importations are materially injuring a United States industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of cyanuric acid and its chlorinated derivatives from Japan used in the swimming pool trade (except cyanuric acid produced by Nissan Chemical Industries, Ltd.). These antidumping duties will be assessed on all merchandise entered, or withdrawn from warehouse, for consumption on or after November 18, 1983, the date on which the Department published its "Suspension of Liquidation" notice in the Federal Register.

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated Customs duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins set forth below:

Manufacturers/producers/exporters	Weighted average margin (percent)
Nissan:	
Dichloro isocyanurates	32.40
Trichloro isocyanurates	6.04
Shikoku Chemicals Corp.:	
Cyanuric acid	10.00
Dichloro isocyanurates	32.00
Trichloro isocyanuric acid	21.40
All other manufacturers/producers/exporters:	
Cyanuric acid	3.00
Dichloro isocyanurates	32.20
Trichloro isocyanuric acid	16.58

These determinations constitute antidumping orders with respect to cyanuric acid and its chlorinated derivatives from Japan used in the swimming pool trade, pursuant to section 736 of the Act (19 U.S.C. 1673e) and section 353.48 of the Commerce Regulations (19 CFR 353.48). In accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)), we hereby give notice that we are commencing an administrative review of this order on April 27, 1984. For further information regarding this review, contact William Matthews at (202) 377-5253.

We have deleted from the Commerce Regulations, Annex 1 to 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Department of Commerce Regulations (19 CFR 353.48).

Dated: April 23, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-11481 Filed 4-26-84; 8:45 am]

BILLING CODE 3510-DS-M

[C569-403]

Potassium Chloride From Spain; Initiation of Countervailing Duty Investigation

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Spain of potassium chloride as described in the "Scope of Investigation" section below, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of the merchandise are materially injuring, or threatening to materially injure, a U.S. industry. If our investigation proceeds normally, the ITC will make its preliminary determination on or before May 14, 1983, and we will make ours on or before June 25, 1984.

EFFECTIVE DATE: April 27, 1984.

FOR FURTHER INFORMATION CONTACT: Richard Rimlinger, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, telephone: (202) 377-3962.

SUPPLEMENTARY INFORMATION:

Petition

On March 29, 1984, we received a petition filed by Amax Chemicals Inc., Lakeland, Florida, and Kerr-McGee Chemical Corporation, Oklahoma City, Oklahoma, on behalf of the U.S. industry producing potash. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Spain of potassium chloride receive, directly or indirectly, benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (19 U.S.C. 1671) (the Act), and that these imports are materially injuring, or threatening to materially injure, a U.S. industry.

Spain is considered a "country under the Agreement" within the meaning of section 701(b) of the Act; therefore, Title VII of the Act applies to this investigation and an injury determination is required.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on potassium chloride from Spain and we have found that the petition meets those requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Spain of potassium chloride described in the "Scope of Investigation" section of this notice, receive subsidies. If our investigation proceeds normally, we will make our preliminary determination by June 25, 1984.

Scope of the Investigation

The product covered by this investigation is potassium chloride, currently provided for under item 480.5000 of the *Tariff Scheduled of the United States Annotated.*

Allegation of Subsidies

The petition alleges that manufacturers, producers, or exporters in Spain of potassium chloride receive preferential short-term export loans, overrebates of indirect taxes under a program know as Desgravacion Fiscal a la Exportacion or DFE, and that the owner of Spain's largest potassium chloride mine, Union Explosivos Rio Tinto, was granted a debt moratorium and other preferential financing terms by the Spanish government. In addition, we will include in this investigation the Spanish government programs which in prior cases, we have found might confer countervailable benefits.

Notification to ITC

Section 702(d) of the Act requires us to notify the U.S. International Trade Commission of these actions and to provide it with the information we used to arrive at these determinations.

We will notify the ITC and make available to it all non-privileged and non-confidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by May 14, 1984, whether there is a reasonable indication that imports of potassium chloride from Spain are materially injuring, or threatening to materially injure, a U.S. industry. If that determination is negative, the investigation will terminate; otherwise, the investigation will proceed according to statutory procedures.

Dated: April 18, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-11482 Filed 4-26-84; 8:45 am]

BILLING CODE 3510-DS-M

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting; Correction

AGENCY: International Trade Administration, Commerce.

Federal Register Citation of previous announcement: 49 FR 15595 April 19, 1984.

Previously announced time and date of the meeting: 9:30 a.m., May 3, 1984.

Changes in the meeting: 9:00 a.m., May 3, 1984.

Dated: April 24, 1984.

Milton M. Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 84-11409 Filed 4-26-84; 8:45 am]

BILLING CODE 3510-DS-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Controlling Imports of Certain Man-Made Fiber Apparel Products Produced or Manufactured in the Philippines

April 24, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on April 27, 1984. For further information contact Carl Ruths, International Trade Specialist (202) 377-4212.

Background

In consultations held April 2-6, 1984, under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 24, 1982, as amended, the Governments of the United States and the Republic of the Philippines agreed that, based on available evidence a significant portion of the imports from the Philippines in Category 648 are shorts for infants and young children in sizes zero through 6X (648 T-traditional). In order to reflect this, the United States Government is transferring the TSUSA assignments within Category 648 for all 1983 and 1984 exports from the Philippines.

Effective on April 27, 1984, the directive from the Chairman of CITA to the Commissioner of Customs, which established restraint limits for certain specified categories of cotton, wool and man-made fiber textile products exported from the Philippines in 1984 is being amended to include a limit of 189,240 dozen for Category 648 (Traditional). Imports for January and February 1984 have amounted to 10,478 dozen and will be charged to this new limit. Further charges will be made to account for the period from March 1, 1984, as the data become available.

The Commissioner of Customs is also being directed to transfer T.S.U.S.A. numbers 383.1930, 383.2240 and 383.8160 from Category 648 pt. (NT) to 648 pt (T) and shift charges accordingly for the 1983 and 1984 agreement years. These adjustments will result in lifting the embargo in the non-traditional part of Category 648.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

April 24, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 16, 1983 by the Chairman of the Committee on the Implementation of Textile Agreements which established restraint limits for certain cotton, wool and man-made fiber textile products produced or manufactured in the Philippines and exported during 1984.

Effective on April 27, 1984, the directive of December 16, 1983 is hereby amended to include a restraint limit for Category 648 pt.[1] of 189,240 dozen.[2] T.S.U.S.A. numbers 383.1930, 383.2240 and 383.8160 are to be included in this part category and will be subject to the limit of 189,240 dozen,[2] in addition to T.S.U.S.A. numbers 383.1955, 383.2250, 383.8146 and 383.9071.

You are further directed, also effective on May 1, 1984, to remove T.S.U.S.A. numbers 383.1930, 383.2240 and 383.8160 from the coverage of the previously established restraint limit of 64,276 dozen for Category 648 pt. (all T.S.U.S.A. numbers except 383.1930, 383.1955, 383.2240, 383.2250, 383.8146, 383.8160, and 383.9071), produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1984.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-11459 Filed 4-25-84; 8:45 am]

BILLING CODE 3510-DR-M

[1] In Category 648, T.S.U.S.A. numbers 383.1930, 383.1955, 383.2240, 383.2250, 383.8146, 383.8160 and 383.9071.

[2] The limit has not been adjusted to reflect any imports exported during 1984. Charges for January-February 1984 have amounted to 10,478 dozen.

Increasing the Import Limit for Certain Man-Made Fiber Gloves From the Philippines

April 24, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on April 30, 1984. For futher information contact Carl Ruths, International Trade Specialist (202) 377-4212.

Background

A CITA directive dated December 16, 1983 (48 FR 56425), as amended, established restraint limits for specified categories of cotton, wool and man-made fiber textile products, including certain man-made fiber gloves and mittens in Category 631. As a result of consultations held between the Governments of the United States and the Republic of the Philippines, April 2-6, 1984, agreement has been reached to increase the level for work gloves in Category 631 pt. (only T.S.U.S.A. numbers 704.3215, 704.8525, and 704.9000) from a designated consultation level of 200,000 dozen pairs to a specific limit at 400,000 dozen pairs.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

April 24, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 16, 1983 by the Chairman of the Committee for the Implementation of Textile Agreements, which established levels of restraint for certain cotton, wool and man-made fiber textile products exported from the Philippines during 1984.

Effective on April 30, 1984, the directive of December 16, 1983 is hereby further amended to increase the limit established for Category 631 pt. (only T.S.U.S.A. numbers 704.3215, 704.8525 and 704.9000) to 400,000 dozen pairs.[1]

[1] The limit has not been adjusted to reflect any imports exported during 1984.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-11459 Filed 4-26-84; 8:45 am]

BILLING CODE 3510-DR-M

Requesting Public Comment on Bilateral Textile Consultations on Wool Dresses in Category 436 From Taiwan

April 24, 1984.

On April 16, 1984, the American Institute in Taiwan (AIT), under Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), requested the Coordination Council for North American Affairs (CCNAA) to enter into consultations concerning exports to the United States of wool dresses in Category 436, produced or manufactured in Taiwan.

The purpose of this notice it to advise that, if no solution is agreed upon in consultations, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of wool dresses in Category 436, produced or manufactured in Taiwan and exported to the United States during the twelve-month period which began on January 1, 1984, and extends through December 31, 1984.

Anyone wishing to comment or provide data or information regarding the treatment of wool dresses in Category 436 is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in reponse to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. and may be obtained upon written request.

Further comment may be invited regarding particular comments on information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-11460 Filed 4-26-84; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1984; Additions and Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to and Deletion from Procurement List.

SUMMARY: This action adds to and deletes from Procurement List 1984 commodities and military resale commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: April 27, 1984.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION:

On September 16, 1983, September 30, 1983, November 25, 1983, December 9, 1983, December 23, 1983, January 6, 1984, January 20, 1984, February 3, 1984, and March 2, 1984, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (48 FR 41620, 48 FR 44877, 48 FR 53148, 48 FR 55157, 48 FR 56819, 49 FR 929, 49 FR 2502, 49 FR 4229, and 49 FR 7844) of proposed additions to and deletions from Procurement List 1984, October 18, 1983 (48 FR 48415).

Additions

After consideration of the relevant matter presented, the Committee has determined that the commodities, military resale commodities, and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities, military resale commodities, and services listed.

c. The actions will result in authorizing small entities to produce or provide commodities, military resale commodities, and services procured by the Government.

Accordingly, the following commodities, military resale commodities, and services are hereby added to Procurement List 1984:

Class 1670

Harness, Parachutist: 1670-00-897-8629

Class 6532

Slippers, Convalescent Patient: 6532-00-079-7899, 6532-00-079-7902, 6532-00-079-7904, 6532-00-241-6393, 6532-00-279-7794

Class 7210

Sheet, Bed, Disposable: 7210-00-141-6082

Class 8415

Liner, Coat, Cold Weather: 8415-00-782-2886, 8415-00-782-2887, 8415-00-782-2888, 8415-00-782-2889, 8415-00-782-2890, 8415-01-062-0679

(All Government requirements except for Memphis Depot, Memphis, Tennessee)

Military Resale Item Nos. and Names

No. 503 Bowl Deodorizer
No. 504 Bowl Deodorizer

SIC 0782

Grounds Maintenance, Parcel Areas: P, Q, R, S, T, Naval Air Station Miramar, San Diego, California

SIC 4789

Operation of USDA Central Shipping and Receiving Facility, South Building, 12th & C Streets, SW., Washington, D.C.

SIC 7349

Janitorial/Custodial U.S. Army Reserve Center #3, 4301 Goodfellow Boulevard, St. Louis, Missouri

Janitorial Service, U.S. Army Reserve Facility, Salem, Oregon

Janitorial/Custodial, U.S. Army Reserve Facility, Grant County Airport, Moses Lake, Washington

Janitorial Service, Federal Center South, 4735 E. Marginal Way, Seattle, Washington

Deletion

After consideration of the relevant matter presented, the Committee has determined that the service listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following service is hereby deleted from Procurement List 1984:

SIC 7349

Janitorial/Custodial, U.S. Army Reserve Center, Buildings 85 and 90, Hingham, Massachusetts

C. W. Fletcher,

Executive Director.

[FR Doc. 84-11442 Filed 4-26-84; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1984; Proposed Additions and Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to and deletion from procurement list.

SUMMARY: The Committee has received proposals to add and delete from Procurement List 1984 commodities to be produced by and services to be provided by workships for the Blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 30, 1984.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1984, October 18, 1983 (48 FR 48415):

Class 4240

Winterization Kit, 4240-00-065-0319

Class 8345

Streamer, Warning, 8345-00-673-9992

Streamer, Warning, Aircraft, 8345-00-863-9170

U.S. Postal Service Items

Dividers, Steel: P.S. Item No. 124-C-114, P.S. Item No. 124-C-234, P.S. Item No. 124-R-54, P.S. Item No. 124-R-114

(Requirements for USPS Northeast and Southern Regions only)

SIC 7349

Janitorial Service for the following locations in Mobile, Alabama:

Federal Building and Courthouse, 113 St. Joseph Street

Federal Building, 109 St. Joseph Street

GSA Motor Pool and Parking Garage, St. Joseph Street

Janitorial Service, Naval Research Laboratory, Washington, D.C.

Janitorial Service, U.S. Courthouse, 511 E. San Antonio Avenue, El Paso, Texas

Deletion

It is proposed to delete the following commodity from Procurement List 1984, October 18, 1983 (48 FR 48415):

Class 8465

Hood, Sleeping Bag: 8465-00-518-2769.

C. W. Fletcher,

Executive Director.

[FR Doc. 84-11443 Filed 4-26-84; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Defense Data Network (Defensive Systems Subgroup); Advisory Committee Meeting

The Defense Science Board Task Force on Defense Data Network (Defensive Systems Subgroup) will meet in closed session on 15-16 May 1984 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meetings on 15-16 May 1984 the Subgroup will discuss the application of technology to systems designed to improve future U.S. air defense capabilities.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

Dated: April 24, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-11457 Filed 4-26-84; 8:45 am]

BILLING CODE 3810-01-M

Notification of Paperwork Reduction Act (Pub. L. 96-511) Applicable to DoD Contractual Actions

Notice is hereby given that the Department of Defense has received the following OMB clearance numbers for information collection in support of DoD contractual actions:

OMB Number 0704-0189 covers the Defense Acquisition Regulatory System, including the Defense Acquisition Regulation and implementation/supplementation thereof by the Military Services and Defense Agencies. This clearance number has been approved through March 31, 1987.

OMB Number 0704-0188 applies to all information collection requirements contained in the existing Acquisition Management Systems and Data Requirements Control List (AMSDL) or those contained in previous lists which are in contracts now in place. This clearance number is valid through June 30, 1986.

OMB Number 0704-0187 applies to all DoD solicitations and covers all information collection in support of the DoD acquisition process necessary to evaluate bids and responses from potential suppliers for the purpose of making awards. This clearance number remains in effect and is valid through April 30, 1986.

OMB Number 0704-0193 covers the Department of Defense Supplements to the Federal Acquisition Regulation including the DoD FAR Supplement and all such supplementing and implementing regulations of the Military Services and Defense Agencies. This clearance number is valid through March 31, 1986.

Dated: April 24, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 84-11456 Filed 4-26-84; 8:45 am]

BILLING CODE 3810-01-M

Defense Logistics Agency

Privacy Act of 1974; Amendment to the Notice for a System of Records

AGENCY: Defense Logistics Agency (DLA), DOD.

ACTION: Amendment to a notice for a system of records.

SUMMARY: The Defense Logistics Agency proposes to amend the notice for a system of records subject to the Privacy Act of 1974. The proposed amendment is set forth below.

DATES: This action will be effective without further notice on May 29, 1984.

ADDRESS: Send any comments to the Office of Administration (DLA-XAM),

Defense Logistics Agency, Cameron Station, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: Cheryl S. Morrissey, Headquarters, Defense Logistics Agency (ATTN: DLA-XAM), Cameron Station, Alexandria, Virginia 22314. Telephone: (202) 274-6234.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency system notice for systems of records subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a) was published in the Federal Register at 48 FR 26199 (FR DOC 83-12048) June 6, 1983.

The proposed amendments are not within the purview of 5 U.S.C. 552a(o) which requires the submission of an altered system report.

Dated: April 20, 1984.

M. S. Healy,

OSD Federal Register, Liaison Officer, Department of Defense.

Amendment

System Number:

S491.10 DLA-K.

System Name:

Nonappropriated Fund (NAF) Membership Record

Changes:

System Location:

Delete:

Delete the words "Officers Open Messes" and insert "Military Clubs."

Add:

After the word "(DDOU)," add the word "and." After the word "(DDTC)" change the comma to a peroid.

Delete:

Delete the word "Golf" and replace it with the word "Community."

Categories of Individuals Covered by the System:

Add:

After the word "NAF" add a comma and follow it with "active/retired military and civilians."

Categories of Records in the System:

Add:

Preceding the current entry, add the following sentence: "Daily Status Report on VOQ, Pool and Swimming Class Registration, and Liability Agreement between activity and participants."

Purpose(s):

Add caption and insert:

"The record is maintained to have a current file of membership in the club. The records are used by the manager of the fund to determine eligibility for membership, mailing NAF activity notices, billing for dues and charges, indicating payment or non-payment of dues, membership card number, to register applicants, maintain records for future classes and in cases of emergency. The record could be used by the Council to terminate membership for non-payment of dues."

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses;

Delete current entry and insert:

"See blanket routine uses for all DLA systems of records."

Safeguards:

Add:

After the word "maintained" add "in filing cabinets."

Rentention and Disposal:

Add:

After the word "departs" add a comma followed by "after auditing or after purposes has been served."

System S491.10 DLA-K reads as follows:

S491.10 DLA-K

SYSTEM NAME:

Nonappropriated Fund (NAF) Membership Record.

SYSTEM LOCATION:

Military Clubs at Defense Construction Supply Center (DCSC). Defense Electronics Supply Center (DESC), Defense General supply Center (DGSC), Defense Personnel Support Center (DPSC), Defense Depot Ogden (DDOU), and Defense Depot Tracy (DDTC), Community Club at Defense Depot Memphis (DDMT).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the NAF, active/retired military and civilians.

CATEGORIES OF RECORDS IN THE SYSTEM:

Daily Status Report on VOQ, Pool and Swimming Class Registration, and liability agreement between activity and participants.

The record contains the member's name, rank, social security number, spouse's name, birthdate, and home/office telephone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 302.

PURPOSES:

The record is maintained to have a current file of membership in the club. The records are used by the manager of the fund to determine eligibility for membership, mailing NAF activity notices, billing for dues and charges, indicating payment or non-payment of dues, membership card number, to register applicants, maintain records for future classes and in cases of emergency. The record could be used by the Council to terminate membership for non-payment of dues.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be referred to local, state, or federal law enforcement agencies when the information indicates a violation of local, state, or federal laws.

See also blanket routine uses set forth above.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and card files. The records may also be automated.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Maintained in filing cabinets in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Destroy one year after member departs, after auditing or after purpose has been served.

SYSTEM MANAGER(S) AND ADDRESS:

The manager of the NAF at DCSC, DESC, DGSC, DPSC, DDMT, DDOU, DDTC.

NOTIFICATION PROCEDURE:

Contact the SYSMANGER by signing a request for the data or personal visit with identification.

RECORD ACCESS PROCEDURE:

Contact the SYSMANGER. Official mailing addresses of SYSMANAGER are in the DoD Directory in the appendix to the DLA system notice.

CONTESTING RECORD PROCEDURES:

The rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Assigned orders, ID Card, financial records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84-11234 Filed 4-26-84; 8:45 am]
BILLING CODE 3620-01-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Deputy Under Secretary for Management Invites comments on the proposed information collection requests as required by the Paperwork Reduction Act.

DATES: Interested persons are invited to submit comments on or before May 29, 1984.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208 New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 426-7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The requirement for public consultation may be amended or waived by OMB to the extent that the public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform the statutory obligations.

The Deputy Under Secretary for Management publishes this notice containing proposed information requests prior to the submission of these requests to the OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested; (2) Title; (3) Agency form number (if any); (4) Frequency of the collection; (5) The affected public; (6) Reporting Burden; and/or (7) Recordkeeping Burden; and (8) Abstract.

Public comment is invited by the OMB at the address specified above. Copies of the requests may be obtained from Margaret Webster at the address specified above.

Dated: April 24, 1984.

Ralph J. Olmo,

Acting Deputy Under Secretary for Management.

Office of Billingual Education and Minority Languages Affairs

Extension

Financial Status Report for Transition Program for Refugee Children
ED 443
Annually
State or Local Governments
Reporting Burden, Response: 54; Burden Hours: 2,676
Recordkeeping Burden, Recordkeepers: 54; Burden Hours: 2,676

Abstract: Section 75.720 of the Education Department's General Administrative Regulations requires grantees to submit annual financial status and performance reports. The Department uses these reports to monitor grantee expenditures and compliance with grant terms and conditions.

Existing

Recordkeeping Under Bilingual Vocational Education
State or Local Governments; Non-Profit Institutions
Recordkeeping Burden, Recordkeepers: 16; Burden Hours: 4,680

Abstract: Sections 75.731 and 75.732 of the Education Department's General Administrative Regulations require grantees to maintain records that show project accomplishments and evidence of program compliance.

Office of Special Education and Rehabilitative Services

New

Parent Survey
ED 925
Non-Recurring
Individuals or Households
Reporting Burden, Responses: 600; Burden Hours: 300

Abstract: This survey of individuals or households is part of an initiative to improve the education of severely handicapped children. The survey will provide information on severly handicapped school age children as perceived by their parents. The data will be matched with the educational needs of the children and instructional strategies developed.

Office of Postsecondary Education

Extension

Cooperative Education Program Application Form
ED 1193
Annually
State or Local Governments: Non-Profit Institutions
Reporting Burden, Responses: 400; Burden Hours: 3,776

Abstract: Eligible applicants may apply for grant funds authorized under Title VIII, Higher Education Act, as amended. Application information is used to evaluate proposals and obligate grant funds. Respondents are primarily institutions of higher education.

Office of Educational Research and Improvement

New

Survey of Educational Information Service Providers
ED 2457
Non-Recurring
State or Local Governments: Non-Profit Institutions
Reporting Burden, Responses: 660; Burden Hours: 330

Abstract: The purpose of this survey is to identify and explain factors that influence the selection, organization and use of ERIC resources and to identify service provider products, practices and policies that lead to greatest client satisfaction and information use.

Extension

State Level Personnel Exchange
ED 2436-1; -2; -3
On Occasion
State or Local Governments
Reporting Burden, Responses: 60; Burden Hours: 30

Abstract: As part of NCES' assistance program, the State Level Personnel Exchange was established to facilitate the interchange of information and expertise among States. The forms are used to obtain minimal administrative information needed for the operation of the program.

Revision

Fall Enrollment and Compliance Report, 1984
ED 2300-2.3A and B
Annually
State or Local Governments; Businesses or Other For-Profit; Non-Profit Institutions
Reporting Burden, Responses: 3,325; Burden Hours: 8,319
Recordkeeping Burden, Recordkeepers: 3,200; Burden Hours: 160

Abstract: College enrollment data are needed by the Department of Education, States, educational researchers, planning and budget officers, and individual colleges for use in economic and financial planning and policy formulation funding allocations, and in compliance enforcement by the Office for Civil Rights.

Office of Vocational and Adult Education

Extension

Application for Vocational Education Direct Grant Programs
ED 3176
Annually
State or Local Governments
Reporting Burden, Responses: 100; Burden Hours: 2,000

Abstract: Applicants may apply for Vocational Education Direct Grant Awards. The information is used to establish eligibility and to assign a quality ranking to the application. Grants officers use the information to negotiate a grant award.

Financial Status and Performance Reports for Direct Grants
ED 360; 360-1
Annually
State or Local Governments
Reporting Burden, Responses: 30; Burden Hours: 240

Abstract: Grant officers and project officers use the Financial Status and Performance Reports to monitor the expenditure and use of funds as well as grantees' progress in completing approved activities under direct grants from the Office of Vocational and Adult Education.

[FR Doc. 84-11451 Filed 4-26-84; 8:45 am]
BILLING CODE 4000-01-M

Guaranteed Student Loan Program and PLUS Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice of Special Allowances for Quarter Ending March 31, 1984.

The Assistant Secretary for Postsecondary Education announces a special allowance to holders of eligible loans made under the Guaranteed Student Loan Program (GSLP) or the PLUS Program. This special allowance is provided for under section 438 of the Higher Education Act of 1965 (the Act), as amended (20 U.S.C. 1087-1). Except for loans subject to section 438(b)(2)(B) of the Act, 20 U.S.C. 1087-1(b)(2)(B), for the quarter ending March 31, 1984 the special allowance will be paid at the following rates:

	Applicable interest rate percent	Annual special allowance rate percent	Special allowance rate percent for quarter ending Mar. 31, 1984
GSLP loans or PLUS loans made prior to Oct. 1, 1981	7	0.125	1.53125
	9	4.125	1.03125
GSLP loans or PLUS loans made on or after Oct. 1, 1981	7	6.02	1.505
	8	5.02	1.255
	9	4.02	1.005
	12	1.02	0.255
	14	0.00	0.00

The Assistant Secretary determines the special allowance rate in the manner specified in the Act, for loans at each applicable interest rate by making the following four calculations:

(a) *Step 1.* Determine the average bond equivalent rate of the 91-day Treasury bills auctioned during the quarter for which this notice applies;

(b) *Step 2.* Subtract from that average the applicable interest rate (7, 8, 9, 12, or 14 percent) of loans for which a holder is requesting payment;

(c) *Step 3.* (1) Add 3.5 percent to the remainder; and (2) In the case of loans made before October 1, 1981, round the sum upward to the nearest one-eighth of one percent;

(d) *Step 4.* Divide the resulting percent in Step 3 (either (c)(1) or (c)(2), as applicable) by four.

FOR FURTHER INFORMATION CONTACT: Roxanne Flanagan, Program Specialist, or Larry Oxendine, Chief, Policy Section, Guaranteed Student Loan Branch, Division of Policy and Program Development, Department of Education on (202) 245-2475.

(Catalog of Federal Domestic Assistance No. 84.032, Guaranteed Student Loan Program and PLUS Program)

Dated: April 23, 1984.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 84-11452 Filed 4-26-84; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Procurement and Assistance Management Directorate

AGENCY: Department of Energy (DOE).

ACTION: Notice of Restriction of Eligibility for Grant Award.

SUMMARY: DOE announces that, pursuant to 10 CFR 600.7(b), it intends to award on a restricted eligibility basis a grant to The Binational Science Foundation, created in 1972 by a treaty between the United States and Israel, to promote and support cooperation in science and technology for peaceful purposes on energy subjects of mutual interest. The grant is valued at $500,000 and is for a 36 month period.

Project Scope

The Binational Foundation will select basic and applied energy research projects on a competitive basis following peer review in both countries. The research is to be performed jointly by U.S. and Israeli researchers under the Treaty Agreement which mandates that the results be made available promptly to the public. The Foundation accepts research applications from scientists affiliated with institutions of higher learning, government research institutions, hospitals and other non-profit research organizations.

Solicitation No. 01-84ER51055.000.

FOR FURTHER INFORMATION CONTACT: James P. Beiriger, MA-452.1, U.S. Department of Energy, Office of Procurement Operations, 1000 Independence Avenue SW., Washington, D.C. 20585.

Issued in Washington, D.C., on April 24, 1984.

Thomas J. Davin, Jr.,

Deputy Director, Procurement and Assistance Management Directorate.

[FR Doc. 84-11435 Filed 4-26-84; 8:45 am]
BILLING CODE 6450-01-M

Bonneville Power Administration

[BPA File No. DSI-NF]

Intent and Proposed Policy for Nonfirm Energy Sales To Direct Service Industrial Customers of Bonneville Power Administration

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice and request for comments.

SUMMARY: BPA proposes to establish a nonfirm energy policy that might make available low cost nonfirm energy to Direct Service Industrial Customers (DSIs) which may be operating at less than their plant capacity due to economic reasons. The purposes of such a policy would be to increase DSI production, improve BPA revenues, and utilize energy that would otherwise be wasted. This policy would apply to DSIs generally; however, one or more DSIs could qualify to receive nonfirm energy under the policy at any time. BPA will conduct analysis of the policy as required by the National Environmental

Policy Act prior to adopting a final policy.

Responsible official: Thomas M. Noguchi, Director, Division of Customer Service.

DATES: On Tuesday, May 15, 1984, BPA will hold a Public Information Forum to explain the proposed policy from 9 a.m. to 11 a.m. and a Public Comment Forum to receive verbal comments on the proposed policy from 1 p.m. to 4 p.m. BPA will accept written comments on the proposed policy through Friday, May 25, 1984. Comments must be received by the Public Involvement Manager by that date.

ADDRESSES: Address written comments to Ms. Donna L. Geiger, Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212. Both the Public Information and Public Comment Forums will be held in Room 464, BPA Headquarters, 1002 NE. Holladay, Portland, Oregon 97232.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. Geiger, Public Involvement Manager, at the above address, 503-230-3478. Oregon callers outside of Portland may use 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming may use 800-547-6048. Information may also be obtained from:

SUPPLEMENTARY INFORMATION:

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97232, 503-230-4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-687-6952.

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3860.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509-662-4377, extension 379.

Mr. Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206-442-4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-525-5500, extension 701.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

Mr. Frederic D. Rettenmund, Boise District Manager, Owyhee Plaza Suite 245, 1109 Main Street, Boise Idaho 83707, 208-334-9138.

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I. General Background

Since the winter of 1981-82, BPA has experienced excellent water conditions and resources exceeding firm loads. Because BPA plans sufficient resources to serve firm loads under worst historical streamflows, these conditions have resulted in an abundance of water in Federal reservoirs above amounts needed to serve firm loads and refill reservoirs each year, resulting in the availability of nonfirm energy. Even during years with fair to normal water conditions, and without a firm resource surplus, BPA will have nonfirm energy available and may spill water because of lack of market for the nonfirm energy from time to time. BPA has, therefore, attempted to expand its nonfirm energy markets in the Northwest to increase revenues and utilize water to produce energy that would otherwise be wasted. This effort to increase nonfirm energy markets in the Northwest is consistent with section 15 of the Northwest Power Planning Council's Northwest Conservation and Electric Power Plan. BPA is continuing to explore ways to increase revenues through innovative nonfirm energy marketing arrangements and policies.

A. Recent History of Nonfirm Energy Market Development

Beginning in January of 1983, BPA entered into a series of short term contracts with six of its utility customers to sell nonfirm energy for use in industrial loads that could be served with either electricity or a non-electrical fuel, generally boiler loads. On July 22, 1983, BPA issued a Federal Register Notice of Proposed Policy for Nonfirm Energy Sales for Utilities' Industrial Loads (48 FR 33518) to serve such alternate fuel loads. BPA has again, in 1984, offered short term agreements to utilities for such loads until such time as BPA adopts a final policy.

In March of 1983, BPA offered its direct service industrial customers (DSIs) a contract for nonfirm energy above then-current DSI operating levels. That contract ran through October 31, 1983, and resulted in approximately $35 million in gross nonfirm energy revenues to BPA.

In the spring of 1983, BPA offered a short-term nonfirm energy contract to utilities to serve irrigation loads. BPA has also offered an experimental program to deliver nonfirm energy for irrigation loads during March and April 1984.

All of these arrangements were intended to increase BPA revenues, utilize water for production of energy that would otherwise be wasted, and improve the Northwest economy.

B. DSI Marketing Efforts

The DSIs are a group of energy intensive industries that buy power directly from BPA. Each of BPA's 14 DSI customers has a contractually established limit on the amount of power it can buy, called Contract Demand in the power sales contract. However, a DSI's operating level changes depending on economic as well as other conditions. In early 1981, the DSIs as a group were operating near their contractural limit. Beginning in the fall of 1981, however, economic conditions caused the DSIs to begin curtailing their operating levels.

In the spring of 1983, BPA entered into a one-time short-term nonfirm energy sale to the DSIs. (See 48 FR 10903, March 15, 1983, and 48 FR 20275, May 5, 1983.)

C. DSI Incentive Rate

As an alternate means of potentially increasing BPA revenues, in its 1983 rate case BPA provided for a DSI Incentive Rate. This mechanism, established in the BPA 1983 Industrial Firm Rate Schedule and General Rate Schedule Provisions (available upon request from BPA), allows BPA to reduce its DSI firm power rate when a rate reduction to the entire class of DSIs would increase DSI power consumption enough to increase total BPA revenues over amounts that would have been received under the higher rate. The amount and duration of the rate reduction is left to be determined by studies required to effect the Incentive Rate. The studies are analyses of certain economic conditions relating to the DSIs. As stated in the

Administrator's Record of Decision, 1983 Final Rate Proposal at 263, the method for implementing the Incentive Rate is:

First, the forecast price of aluminum over the prospective period of the offer will be determined. Next Standard Industrial rate revenues will be projected using a current load forecasting model similar to the model used in the rate case. Using that model, BPA's forecast of surplus firm power sales, and the Nonfirm Revenue Analysis Program, BPA will determine the DSI rate which maximizes total revenues, taking into account the sensitivity of the revenue to small changes in assumptions. If that rate is less than the Standard Industrial rate, BPA will then notice the proposed implementation of the Industrial Incentive rate and invite comments.

BPA has determined that under current conditions because DSI aluminum loads are high due to favorable markets for aluminum, implementing the incentive rate would not result in increased revenues to BPA. Because 90 percent of BPA's contractual commitment to the DSIs is to aluminum producers, the Incentive Rate would not normally be implemented unless aluminum producers would increase loads.

D. Need for Discrete Nonfirm Energy Policy

The maintenance of DSI load and revenues to BPA and the Northwest is extremely important in this period of BPA resource surplus and continued high unemployment in the region. Rates to all BPA customers are adversely affected by unsold surplus, and loss of DSI load increases that surplus.

However, circumstances can exist that make it attractive for BPA to offer nonfirm energy selectively to specific classes of DSIs, so long as doing so would not result in less net revenue to BPA. This policy will propose certain tests to determine whether BPA would gain or lose revenue by offering nonfirm energy to a DSI at nonfirm energy rates.

E. Issues Relating to DSI Nonfirm Energy Availability and BPA Revenues

BPA has considered alternate ways to provide the benefits of nonfirm energy to select sub-classes of DSIs while protecting BPA revenues. One general concept that was examined was to tie the sale of nonfirm energy to a DSI to some indicator of its economic well being. This is difficult to administer, however, and may be unnecessary because BPA's quarterly DSI forecasts of average energy consumption consider available information relating to costs and markets of individual DSIs. Therefore, whenever BPA forecasts a DSI load to be below the lower of plant capacity or Contract Demand (most DSIs' Contract Demand and plant capacity do not match), BPA could offer nonfirm energy to the DSI, at least for incremental loads above the forecast level or actual operating level, whichever is higher.

Under this incremental load approach, in cases where DSIs are competitors (within a DSI sub-class), BPA proposes to make nonfirm energy available to all DSI competitors only in the same percentage of Contract Demand (adjusted for load factor) as the competing DSI eligible to receive incremental nonfirm energy service to the smallest percentage of its Contract Demand. This policy is non-discriminatory while at the same time avoiding the situation where one or more less efficient plants are encouraged to remain less efficient.

F. Interim Implementation

BPA may enter into discussions with one or more DSIs to implement this proposed policy on an interim basis prior to issuing a final policy.

G. Public Comments Requested

To encourage public comment on the above and other issues, BPA has alternative principles available on request from the BPA Public Involvement Manager. BPA considered these alternative principles within the agency prior to developing this proposed policy.

BPA requests public comments on both the Proposed Policy and the alternative principles. Comments may be made orally at a Public Comment Forum in Portland on May 15, 1984, or by telephone to the Public Involvement office through May 25, 1984. Written comments received by the Public Involvement Manager after May 25, 1984, may not be considered in development of the final policy. See DATES and ADDRESSES above for details.

II. Policy

A. Definitions

1. *Adjusted Operating Level* means Operating Level adjusted from peak demand to average demand by applying a Load Factor. In the case of a DSI with plants in more than one Class, Adjusted Operating Level shall be determined by multiplying Operating Level by the appropriate Weighted Load Factor for the plants as a group. The term "Adjusted" refers only to the conversion from peak amounts to average energy amounts, which is necessary for comparision purposes because BPA's quarterly DSI forecasts by plant are forecasts of average energy consumption. Conversion to average energy amounts facilitates determination of amounts of Industrial Firm and nonfirm energy for billing purposes.

2. *Class.* Those DSIs or plants which compete directly with one another in the same markets. Several Classes include only one DSI or plant because these are no direct competitors which are DSIs. Some DSIs' plants are disaggregated into more than one Class because they have readily distinguishable facilities producting different products with different sets of competitors.

3. *Contract Demand.* The amount of power in kilowatts to which a DSI is entitled pursuant to its BPA Power Sales Contract. If a DSI has plants in more than one Class, Contract Demand for all the DSI's plants in a Class shall be determined by multiplying Contract Demand by a ratio, the numerator of which is the Plant Capacities of all plants in the Class and the denominator of which is the sum of the Plant Capacities of all the DSI's plants.

4. *DSI.* A directly served industrial customer of BPA.

5. *Eligible Amount.* The amount of nonfirm energy that a DSI may receive under this policy for its plant(s) within a Class.

6. *Industrial Firm Power.* Power supplied under a DSI's BPA Power Sales Contract.

7. *Load Factor.* The average energy consumption of a DSI's plants within a Class expressed as a decimal fraction of peak demand during the same period. Load Factors developed by BPA based on actual historical operating information for calculating Adjusted Operating Levels are listed in Exhibit B.

8. *Market Rate.* The nonfirm energy Market Rate specified in BPA's Nonfirm Energy Rate Schedule.

9. *Northwest Power Act.* The Pacific Northwest Electric Power Planning and Conservation Act (Pub. L. 96-501).

10. *Operating Demand.* The demand level in kilowatts established in accordance with section 5(b) of the Power Sales Contract.

11. *Operating Level.* The amount of Industrial Firm Power in kilowatts that a DSI requests BPA to make available during a period. If a DSI has more than one plant and has not specified an Operating Level for each plant, Operating Level for each of the DSI's plants shall be determined by multiplying Operating Level by a ratio, the numerator of which is the Plant Capacity of an in dividual plant and the denominator of which is the sum of the Plant Capacities of all the DSI's plants.

12. *Plant Capacity.* The maximum amount of power in average megawatts that a Plant can utilize during a month in

its operations due to the characteristics of its facilities. Plant Capacities estimated by BPA are listed in Exhibit A.

13. *Power Sales Contract.* The power sales contract between BPA and a DSI which was offered pursuant to section 5(g) of the Northwest Power Act.

14. *Weighted Load Factor.* The average of load factors of all facilities of a single DSI weighted by Plant Capacity.

B. Summary Policy Statement

BPA will make nonfirm energy available to serve additional load at the plants of Classes of DSIs which are operating below the lower of their Plant Capacities or Contract Demands, in amounts up to the difference between: (1) The higher of current actual or forecasted Adjusted Operating Levels and (2) the lower of Plant Capacities or Contract Demands; *Provided, however,* That if there is more than one DSI within a Class, the DSI plants in the Class may only receive an amount of nonfirm energy up to the percentage of their Contract Demand equal to the smallest eligible percentage of Contract Demand of the plants of any DSI within the Class. Eligible DSIs shall purchase such nonfirm energy in accordance with the provisions of this policy.

C. Purposes of this Policy

The purposes of this policy will be to:

1. increase BPA revenue,
2. utilize water to generate energy that might otherwise be wasted, and
3. improve the Northwest economy by increasing DSI production.

D. Determination of Classes

The Classes of DSIs, and the companies included in each Class, are:

Industry Class	Companies
Primary Aluminum.	Alcoa (excluding N.W. Alloys and Vanexco), ARCO, Intalco, Kaiser (excluding rolling loads), Martin-Marietta, Reynolds (excluding fabrication loads).
Aluminum Fabrication.	Kaiser (rolling loads only), Reynolds (fabrication loads only), Vanexco.
Magnesium/Ferrosilicon.	N.W. Alloys.
Abrasives	Carborundum.
Titanium	Oremet.
Steel	Gilmore (Oregon Steel Mills).
Nickel	Hanna (Hanna Nickel Smelting Company will not be eligible to receive nonfirm energy under this policy while receiving service at other than the Industrial Firm Rate.)
Pulp/Paper	Port Townsend Paper Co.
Chlor-Alkali	Georgia-Pacific, Pennwalt.
Calcium Carbide.	Pacific Carbide.

E. Nonfirm Energy Contracts

BPA will offer a nonfirm energy contract to each requesting DSI.

1. *Generic Nonfirm Energy Contract.* BPA will adopt a generic contract for nonfirm energy service pursuant to this policy. BPA may vary the terms of individual contracts from the terms of the generic contract where appropriate. If any such variation would result in a significant departure from the policy, BPA will conduct any appropriate public involvement process or other processes.

2. *Relationship to Power Sales Contract.* The Operating Demands established under the Power Sales Contract shall remain in effect. Nonfirm energy service provided pursuant to this policy shall be restricted or curtailed prior to Industrial Firm Power. If the DSI's firm demand level is below the Operating Demand, curtailment and restriction rights and obligations under the Power Sales Contract shall apply only to the Operating Level but will be determined based on Operating Demand. Amounts taken by a DSI in excess of the sum of the firm and nonfirm service levels will be billed at the Unauthorized Increase charge in the Industrial Firm Rate Schedule unless otherwise agreed.

Revenues from the sale of nonfirm energy pursuant to this policy will apply to any charges imposed by the Power Sales Contract for curtailment of Industrial Firm Power, but not to the Customer Charge imposed by the Industrial Firm Rate Schedule. However, in no circumstance will a DSI be charged more than it would have been had its entire BPA Load been served under the Industrial Firm Rate Schedule. The monthly amount of firm energy will be determined by applying the appropriate Load Factor to Operating Level. The monthly firm demand will be equal to the Operating Level. Amounts of nonfirm energy will be determined by subtracting firm energy and energy delivered under agreements other than the Power Sales Contract from total measured energy.

Provisions relating to delivery of Industrial Firm Power under the Power Sales Contract shall apply to deliveries of nonfirm energy.

3. *Period of Eligibility for Nonfirm Energy.* A Class of DSIs will be eligible to receive nonfirm energy pursuant to this policy at BPA's discretion for periods of up to 6 months. If a Class of DSIs qualifies pursuant to Section II.F. to receive nonfirm energy at the end of the period, BPA may offer to extend the period of eligibility for up to 6 months at a time, on terms and conditions consistent with this policy. Specific terms for each period of eligibility, such as Eligible Amounts, shall be attached as an exhibit to the nonfirm energy contract.

F. Qualification for Nonfirm Energy

Whenever BPA determines pursuant to section II.C.3. to make nonfirm energy available under this policy, it shall notify the DSIs, which may then request nonfirm energy service on an as available basis to plants within a Class during the period of eligibility specified pursuant to section II.C.3. in the amounts specified in section II.F.1.

1. *Eligible Amount of Nonfirm Energy.* For a given period the Eligible Amount of a DSI within a single member Class will be equal to the difference, for its plants within the Class, between: (1) The higher of average Adjusted Operating Level for the month prior to the request for nonfirm energy or BPA's current quarterly forecasted Adjusted Operating Level for the period at the time of the DSIs request for nonfirm energy, and (2) the lower of Contract Demand or Plant Capacity. The Eligible Amount of a DSI for its plants within a multiple member Class is determined by: (1) Applying the foregoing calculation individually to each Class member for its plants within the Class, and (2) limiting the Eligible Amount for any DSI's plants within the Class to the same percentage of Contract Demand of those plants as that of the DSI's plants within the Class eligible for the lowest percentage of nonfirm service to their Contract Demand. A DSI's Eligible Amount of nonfirm energy shall be subject to revision on the first day of the month following issuance of a revised BPA quarterly DSI load forecast.

2. *Monthly Amounts of Industrial Firm Power and Nonfirm Energy.* A DSI that qualifies for an Eligible Amount of nonfirm energy may request for its plants within the qualifying Class up to three levels each of Industrial Firm Power and nonfirm energy for any month during any period of eligibility for nonfirm energy; *Provided, however,* That a DSI whose Adjusted Operating Level for its plants within the qualifying Class is below BPA's current forecasted Adjusted Operating Level for such plants must request Industrial Firm Power for service to such current forecasted Adjusted Operating Level for such plants to be eligible to request any monthly amounts of nonfirm energy; *Provided, further,* That under the circumstances described in sections 7(j)(4) and 9(f) of the Power Sales Contract, any DSI submitting a plan pursuant to those sections may submit levels of Industrial Firm Power and nonfirm energy. Requested levels of Industrial Firm Power shall not exceed Operating Levels that may be requested under the Power Sales Contract, and

requested levels of nonfirm energy shall not exceed Eligible Amounts.

G. Availability of Nonfirm Energy

Subject to the provisions of this policy, BPA expects to make nonfirm energy available to requesting DSIs for incremental load at qualifying plants in amounts up to applicable Eligible Amounts whenever BPA determines that it is likely to have sufficient nonfirm energy available for sale, and that there is more than enough nonfirm energy available to meet the needs of all customers of higher priority. Nonfirm energy made available to the DSIs in accordance with this policy shall be subject to the preference and priority provisions of the Bonneville Project Act (Pub. L. 75-329) and the Northwest Power Act. Among DSIs, sales of Industrial Firm Power to the First Quartile and of Industrial Hanna Power either at the Standard or Offpeak Rates will have priority over nonfirm energy sales under this policy and over any DSI alternate fuel nonfirm energy loads. Any necessary allocation of nonfirm energy under this policy and to any DSI alternate fuel nonfirm energy loads shall be on a pro rata basis of requested amounts of nonfirm energy by each DSI. In the event that availability of nonfirm energy is restricted, a DSI may use Industrial Replacement Energy up to the level of its requested amounts of nonfirm energy.

H. Rate

The rate will be the applicable Market Rate in BPA's Nonfirm Energy Rate Schedule. However, in no circumstance will a DSI be charged more than it would have been had its entire BPA load been served under the Industrial Firm Rate Schedule.

I. Revisions

BPA will revise its forecast of Adjusted Operating Levels on a quarterly basis, normally in January, April, July, and October. From time to time, BPA will review its established Load Factors and Plant Capacities to determine whether they need revision, and may revise Exhibits A and B on appropriate notice and comment.

Issued in Portland, Oregon, on April 13, 1984.

George A. Tupper,
Acting Administrator.

EXHIBIT A—PLANT CAPACITIES (AVG. MW) [1]

	Individual plant	Total DSI
Alcoa [2]		460
Vancouver	240	
Wenatchee	220	
ARCO		340
Intalco		450
Kaiser [3]		620
Mead	465	
Tacoma	155	
Martin-Marietta		450
Goldendale	290	
The Dalles	160	
Reynolds		680
Longview	415	
Troutdale	265	
Carborundum		31
Georgia-Pacific		38
Gilmore		30
Northwest Alloys		63
Oremet		7
Pacific Carbide		16
Pennwalt		73
Port Townsend		16
Kaiser-Trentwood		67
Vanexco		5

[1] A Plant Capacity for Hanna Nickel Smelting Co. will be developed at such time as it receives service at the Industrial Firm rate.
[2] Excludes Northwest Alloys, Vanexco, and load served by Colockum transmission Company.
[3] Excludes Trentwood Rolling Mill and nonfirm energy service to alternate fuel boiler at Mead.

EXHIBIT B—LOAD FACTORS [1]

All aluminum reduction	.985
Carborundum	.919
Georgia-Pacific	.910
Gilmore	.900
Northwest Alloys	.850
Oremet	.900
Pacific Carbide	.890
Pennwalt	.970
Port Townsend	.920
Kaiser-Trentwood	.850
Vanexco	.700

[1] A load factor for Hanna Nickel Smelting Co. will be developed at such time as it receives service at the Industrial Firm rate.

[FR Doc. 84-10925 Filed 4-26-84; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP-84-343-000]

Arkansas Louisiana Gas Co.; a Division of Arkla, Inc.; Petition For Declaratory Order

April 20, 1984.

Take notice that on April 9, 1984, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Petitioner), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP84-343-000 a petition pursuant to § 385.207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) for an order declaring that §§ 157.206(h)(2)(ii) and 284.103(d)(2)(ii) of the Commission's Regulations apply to the revenues derived from Petitioner's proposed ECOSHARE transportation program, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that it operates an integrated natural gas gathering, transmission, and distribution business in Arkansas, Louisiana, Texas, Oklahoma, and Kansas. It is stated that one of Petitioner's largest customers is Agrico Chemical Company (Agrico), which uses gas in its nitrogen fertilizer manufacturing complex near Blytheville, Arkansas. Agrico is said to be served pursuant to rates set forth in Petitioner's APSC Rate Schedule No. 4, as prescribed by the Arkansas Public Service Commission. It is further stated that in settlement of a general retail rate increase proceeding at the Arkansas Public Service Commission involving Petitioner's retail APSC Rate Schedule No. 4, Petitioner developed its ECOSHARE plan. The ECOSHARE program, it is asserted, includes the institution by Petitioner of a transportation service for those of its large industrial customers which qualify for and elect the service. Petitioner explains that under the program the customer may substitute, for some of the plant requirements that it would otherwise purchase directly from Petitioner, volumes of gas that the customer arranges to purchase instead from other suppliers at spot market prices that the customer hopes would be lower than Petitioner's current retail rates, with Petitioner transporting the spot market gas for customer to the customer's plant through the facilities Petitioner has been using to serve all the requirements of the plant at retail.

It is averred that under Petitioner's ECOSHARE program Petitioner has the option to purchase for its own system supply 50 percent of the gas arranged for by the large industrials. It is claimed that this would enable Petitioner's smaller customers to share in the possible economic benefits of the spot market purchases located by the large industrials.

Petitioner indicates that the purpose of the ECOSHARE program is to try to help participating customers lower their operating costs by enabling them to buy spot market gas as expeditiously as possible, particularly in the case of Agrico, in order that Agrico's fertilizer plant could be reopened in time for this year's spring planting, putting people in northeast Arkansas back to work. By keeping plants like Agrico's in operation, it is asserted, the ECOSHARE program maintains Petitioner's total system volume, thereby avoiding unit cost increases to all customers.

Petitioner states that it holds a blanket certificate under § 157.201, *et*

seq., of the Commission's Regulations, and that because of the urgency involving Agrico and other large industrial customers associated with implementing the ECOSHARE program, Petitioner agreed to commence such service for its participating large industrial customers under the automatic authorization provisions of § 157.209 of the Regulations.

Petitioner claims that an uncertainty exists with respect to the applicability of §§ 157.206(h)(2)(ii) and 284.103(d)(2)(ii) of the Commission's Regulations to Petitioner's revenues generated by the ECOSHARE program. Petitioner, therefore, requests a declaratory order confirming that those regulations apply to these revenues and that, therefore, Petitioner is not required to credit any of the revenues generated by its ECOSHARE program to Account No. 191.

Petitioner avers that the only industrial users for whom it would be transporting gas under its ECOSHARE program would be large industrial customers already connected and regularly served by Petitioner under retail service agreements and that the volumes transported would replace volumes that Petitioner would otherwise have sold to these customers under its retail service agreements. It is stated that Petitioner continues to sell a significant part of the requirements of each participating plant and that the total of the gas volume transported under the ECOSHARE program plus the gas volume still being sold to the plant at retail by Petitioner would never exceed the contract daily maximum specified in Petitioner's service agreement covering each particular plant. Thus, it is asserted, there would be no change in the volumetric level of gas historically flowing in Petitioner's system for the benefit of a participating large industrial customer and that the only difference before and after transportation begins is that before transportation begins all of the gas flowing would be carried by Petitioner to the plant for the retail sales account of the customer, whereas after the transportation begins some of that same volume of gas moving in the same facilities and delivered to the same plant would be carried for the transportation account of the customer instead of the retail sales account.

Petitioner states that in implementing its ECOSHARE program it has given up the right to continue to sell all of the gas requirements the customers need at their plants and that it cannot justify the economics of giving up those sales loads on its system unless it can recover, and retain without credit to Account No. 191, its systemwide transmission and storage costs (and gathering costs where the customer opts to deliver its gas into Petitioner's gathering facilities instead of transmission facilities) associated with transporting the ECOSHARE volumes for the customers to the plants participating in the ECOSHARE program. It is asserted that the transportation revenues generated by the ECOSHARE program would be less than would be generated by Petitioner's retail sale of the same volumes.

Sections 157.206(h)(2)(ii) and 284.103(d)(2)(ii) permit retention of revenues generated by transportation performed under a pipeline's blanket certificate "if representative levels of volumes transported have been included in billing determinants for the purpose of establishing rates," Petitioner indicates. Petitioner also states its current rates, approved by the Commission in Docket No. RP82-75, *et al.*, are based on 1981 sales volumes for its large industrial customers and closely approximate the estimated average daily usage by those customers under their retail service agreement with Petitioner. Petitioner also asserts that the calculations underlying those rates contemplate that the costs of transporting those volumes to that customer would be recovered by Petitioner from that customer.

Petitioner states that the ECOSHARE transportation rates are based on costs associated with the transportation of the same volumes used in establishing its currently effective rates. Thus, Petitioner claims, permitting it to retain the revenues generated by the ECOSHARE program would be consistent with its current rate structure, because that rate structure contemplates recovery of such revenues. Petitioner argues conversely, that requiring it to credit any of the ECOSHARE revenues it receives to Account No. 191 would be inconsistent with how these same volumes were used in Docket No. RP82-75, *et al.*, to fix its currently effective rates. Petitioner concludes that, under these circumstances, the revenues generated by the ECOSHARE program satisfy the requirements of §§ 157.206(h)(2)(ii) and 284.103(d)(2)(ii) and should not be credited to Account No. 191.

Petitioner states that if an order confirming that it does not have to credit the ECOSHARE transportation revenues to Account No. 191 is not issued, it alternatively requests a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act with a waiver of the requirement that any part of the ECOSHARE transportation revenues be credited to Account No. 191.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 11, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-11115 Filed 4-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP75-93-006]

Black Marlin Pipeline Co.; Petition for Approval of Repayment Plan

April 23, 1984.

Take notice that on March 26, 1984, Chevron U.S.A. Inc. (Chevron), filed in Docket No. CP75-93-006 a petition pursuant to the terms of the Commission's Opinion No. 18-B entitled Opinion and Order Affirming and

Modifying Initial Decision, 21 FERC ¶ 61,008 (1982), *reh. den.*, Opinion No. 18–C entitled Opinion and Order Denying Applications for Rehearing, 22 FERC ¶ 61,020 (1983), for approval of a repayment plan, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Chevron proposes to make repayment in the amount of $5,728,646.30 by reducing over a three-year period, the price it would otherwise charge for gas sold from specified fields under existing contracts with three interstate pipeline companies.

Chevron states that each month, during the three-year period, Chevron would reduce by 19.56 cents per Mcf of natural gas the price for the first 276,380 Mcf of natural gas sold under designated contracts with Transcontinental Gas Pipe Line Corporation (Transco), Texas Eastern Transmission Corporation (Texas Eastern), and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee). Chevron states further that should the monthly sales volume from any field subject to the price reduction fall below 276,380 Mcf of natural gas, Chevron would reduce its sales price for gas sold from another field or fields to the applicable pipeline on a volume equal to the shortfall, thus ensuring that the total repayment volume would be delivered within the three-year period provided by the Commission.

Chevron proposes to begin making repayment no later that sixty days following Commission approval of the instant plan and to fulfill its obligations thereunder within the three years thereafter. Chevron proposes to file semi-annual progress reports countersigned by the pipeline purchasers.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 14, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–11471 Filed 4–26–84; 8:45 am]

BILLING CODE 6712–01–M

[Docket No. CP84–330–000]

Columbia Gas Transmission Corp.; Request Under Blanket Authorization

April 23, 1984.

Take notice that on March 30, 1984, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325–1273, filed in Docket No. CP84–330–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia proposes to transport natural gas on behalf of Diamond Shamrock Chemicals Company (Diamond Shamrock) under the authorization issued in Docket No. CP83–76–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Columbia proposes to transport up to 1,200 dt equivalent of natural gas per day for Diamond Shamrock for a term of one year. Columbia states that the gas to be transported would be purchased from Phillips Production Company (Phillips), by Diamond Shamrock and would be used primarily as fuel in boiler and furnace in its Cincinnati, Ohio, plant. Columbia states that it would receive the gas at existing delivery points on its system in Clearfield and Cambria Counties, Pennsylvania, and redeliver such gas to Cincinnati Gas and Electric Company, the distribution company serving Diamond Shamrock. Columbia states that the gas to be purchased by Diamond Shamrock involves gas supplies released by Columbia and that such supplies are subject to the ceiling price provisions of section 102 and 103 of the Natural Gas Policy Act of 1978. Further, Columbia states that depending upon whether its gathering facilities are involved, it would charge either (1) its average system-wide storage and transmission charge, currently 40.11 cents per dt equivalent, exclusive of company-use and unaccounted-for gas, or (2) its average system-wide storage, transmission and gathering charge, currently 44.93 cents per dt equivalent, exclusive of company-use and unaccounted-for gas. Columbia states that it would retain 2.85 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas. Columbia also states that it would collect the GRI funding unit charge of 1.21 cents per dt.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–11472 Filed 4–26–84; 8:45 am]

BILLING CODE 6712–01–M

[Docket No. RP84–71–000]

Columbia Gulf Transmission Co.; Filing

April 23, 1984.

Take notice that on April 19, 1984, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1, Rate Schedule T–3:

Second Revised Sheet No. 118
First Revised Sheet No. 119
First Revised Sheet No. 120
Original Sheet No. 120A
Original Sheet No. 120B.

Columbia Gulf has found it necessary to include rates for various segments of its pipeline system which can be utilized for third party transportation under special marketing programs for transportation of gas to end users. Therefore, Columbia Gulf has revised and updated its Rate Schedule T–3 to enable it to transport gas through segmented portions of its facilities for third party transportation arrangements.

Columbia Gulf requests a waiver of the Commission's Regulations to the extent necessary to permit the enclosed tariff sheets to be accepted for filing with an effective date of April 1, 1984.

Columbia Gulf states that copies of its filing have been mailed to all holders of Columbia Gulf's FERC Gas Tariff, Volume No. 1.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 30, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-11473 Filed 4-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-31-002]

Consolidated Gas Transmission Corp.; Petition

April 23, 1984.

Take notice that on April 6, 1984, Consolidated Gas Transmission Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-31-002, a petition pursuant to section 7(c) of the Natural Gas Act seeking the issuance of a permanent certificate of public convenience and necessity authorizing it to retain and operate certain facilities at its Lost Creek Storage Pool, in Harrison and Lewis Counties, West Virginia, which were constructed and have been operated under temporary certificates issued November 5, 1980, and February 25, 1981, in Docket No. CP81-31-000 to its predecessor-in-interest, Consolidated Gas Supply Corporation, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Consolidated requests permanent authorization to retain and operate in the normal course of storage pool operations (1) Well Nos. CW-212, -214, -216, -248, -251, -252, and -258 for observation purposes; and (2) its shallow formation relief program, consisting of relief Well Nos. CW-210, -253, -254, and -255, and the 2-inch pipeline system which connects into its existing Davis Compressor Station. Consolidated also requests permanent certificate authorization to retain and operate for emergency purposes (1) the 45-horsepower and 75-horsepower compressors installed next to Davis Compressor Station; and (2) Well No. CW-215, the abandoned well determined to be the migration path for storage gas.

It is stated that Consolidated believes it has solved the storage gas migration problem which began at its Lost Creek Storage Pool, near the community of McWhorter, West Virginia, in September of 1980. Consolidated states that the total actual cost of the project, exclusive of filing fees, was $4,414,768.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 14, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-11474 Filed 4-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-34-007]

Distrigas of Massachusetts Corp.; Filing

April 23, 1984.

Take notice that on April 16, 1984, Distrigas of Massachusetts Corporation (DOMAC) tendered for filing the following revised tariff sheet to its FERC Gas Tariff First Revised Volume No. 1:

Second Substitute Sixth Revised Sheet No. 17.

DOMAC states that this filing is made pursuant to Ordering Paragrah (D) of the Federal Energy Regulatory Commission's Opinion and Order (Opinion No. 210) issued on February 28, 1984, in the captioned docket.

DOMAC states that it has mailed copies of its filing to each of its customers and interested state commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 30, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-11475 Filed 4-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-72-000]

Eastern Shore Natural Gas Co.; Tariff Filing

April 23, 1984.

Take notice that on April 20, 1984, Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing the following revised tariff sheets for inclusion in its FERC Gas Tariff.

First Revised Sheet No. 1
First Revised Sheet No. 2
Twenty-Sixth Revised Sheet No. 5
Twenty-Sixth Revised Sheet No. 6
Twenty-Sixth Revised Sheet No. 10
Twenty-Sixth Revised Sheet No. 11
Twenty-Sixth Revised Sheet No. 12
Third Revised Sheet No. 13
First Revised Sheet No. 37
First Revised Sheet No. 41
Original Sheet No. 41A
First Revised Sheet No. 46
Original Sheet No. 46A
Original Sheet No. 143
Original Sheet No. 144
Original Sheet No. 145
Original Sheet No. 146
Original Sheet No. 147
First Revised Sheet No. 210
Third Revised Sheet No. 246
Third Revised Sheet No. 247
Third Revised Sheet No. 248
Second Revised Sheet No. 249
Original Sheet No. 255
Original Sheet No. 256
Original Sheet No. 257
Original Sheet No. 258
Original Sheet No. 341
Original Sheet No. 342

Copies of this filing have been mailed to each of Eastern Shore's jurisdictional customers and interested State Commissions.

Any persons desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211,

385.214). All such petitions or protests should be filed on or before April 30, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-11476 Filed 4-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-41-000]

Edison Sault Electric Co.; Application

April 23, 1984.

Take notice that on April 16, 1984, Edison Sault Electric Company (Applicant) filed an application seeking authority pursuant to section 204 of the Federal Power Act to issue up to $2,500,000 principal amount of short-term debt, with final maturities of not later than December 31, 1986.

Any person desiring to be heard or to make any protest with reference to said application should, on or before May 16, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-11477 Filed 4-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-224-005]

El Paso Natural Gas Co.; Petition To Amend Certificate

April 23, 1984.

Take notice that on April 6, 1984, El Paso Natural Gas Company (El Paso), Box 1492, El Paso, Texas 79978, filed in Docket No. CP79-224-005, pursuant to section 7(c) of the Natural Gas Act, a petition to amend further the order issued on March 26, 1981, as amended on December 21, 1981 and June 20, 1983, in Docket No. CP79-224 (Docket No. RP72-6, *et al.*) to permit the construction and operation of certain facilities and expanded utilization of the Washington Ranch Storage Project (Washington Ranch) for system flexibility operations, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

El Paso states that on March 26, 1981, the Commission approved a Stipulation and Agreement Settling Proceedings and Prescribing Permanent Allocation Plan (Settlement), which had been filed by El Paso on December 28, 1980, at Docket Nos. RP72-6, *et al.* Among the numerous matters contemplated by the Settlement and provided for in the March 26, 1981, order was the Commission's grant in Docket No. CP79-224-000 of all authorizations necessary for the implementation of El Paso's proposed Washington Ranch Storage Project, it is explained. El Paso states that at ordering paragraph (D) of the March 26, order, the Commission issued El Paso a certificate of public convenience and necessity for the operation of certain existing facilities and the construction and operation of certain new facilities, all as requested in El Paso's application filed March 19, 1979, in Docket No. CP79-224, as amended by the Settlement.

El Paso states further that it believes that Washington Ranch can be more beneficially utilized to provide El Paso with greater flexibility in the operation of its system, to include storage service to assist its customers in meeting lower priority requirements, as may be necessary. El Paso states the primary purpose for which Washington Ranch was originally authorized was, and remains, the protection of East of California (EOC) high-priority customer requirements. Testing has indicated, it is submitted, that deliverability from Washington Ranch can be increased to 500,000 Mcf of gas per day at inventory levels much lower than the authorized maximum of 68,000,000 Mcf, and at a relatively modest cost. For this reason, El Paso states that its proposed expanded use of the Washington Ranch can be implemented at a significantly lower cost, and with substantially less of an impact on its ratepayers, than was formerly believed.

Further, El Paso states the use of Washington Ranch for system flexibility operations would not impede El Paso's ability to accommodate banking and borrowing by the Category B Customers. El Paso states that it would undertake not to inject gas into or withdraw gas from the Washington Ranch for purposes other than the protection of EOC Priority 1 and 2 service to the extent that such operations would deny any customer served directly or indirectly from El Paso's system the opportunity to receive "RP76-38 Refund Gas" to which that customer is entitled under ARTICLE XI of the Settlement. Finally, El Paso states that its proposed expanded use of the Washington Ranch facilities for system flexibility is fully consistent with the Permanent Allocation Plan and would therefore require no filing in conformance with Article VI of the Settlement nor the filing of new tariff provisions.

Specifically, El Paso states that the additional system flexibility afforded by Washington Ranch would: (i) Assist El Paso in the daily operation of its system by accommodating potential demand swings by means of Washington Ranch, thus stabilizing supply input to the mainline; (ii) enhance El Paso's ability to schedule production from its long-term dedicated supply sources; (iii) reduce El Paso's need to acquire substantial quantities of interruptible and more expensive emergency and other best-efforts supplies; (iv) decrease El Paso's incurrence of prepayments; and (v) increase overall system sales by permitting El Paso to serve lower priority requirements, which may include service to Southern California Gas Company (SoCal) and Pacific Gas and Electric Company (PGandE).

In order to maximize the system flexibility operations afforded by Washington Ranch and to effectuate an increase in the maximum withdrawal capability of the Washington Ranch facilities from 250,000 Mcf of gas per day to 500,000 Mcf per day, El Paso proposes to construct and operate one 16-inch O.D. standard orifice type meter, with appurtenances, located adjacent to the existing meter facilities at the Washington Ranch Compressor Station in Eddy County, New Mexico. Additionally, as a part of the project, El Paso would be required to install, under authority of Section 2.55(a) of the Commission's General Policy and Interpretations, two 125,000 Mcf per day central dehydration units, one glycol regenerator, two pressure regulators and one indirect gas-fired heater. El Paso estimates the cost of the facilities proposed to be constructed and operated, including those Section 2.55(a) facilities, and including respective overhead, contingency and required filing fees, to be $2,878,400. El Paso proposes that any issues relating to the additional Washington Ranch costs proposed in the petition, including the issue of cost allocation, be deferred for consideration to El Paso's next general rate case.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 14, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance

with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-11478 Filed 4-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-236-000]

El Paso Electric Co.; Order Accepting for Filing and Suspending Rates, Noting Intervention, Denying Motion for Leave To Reply, and Establishing Procedures

Issued: April 20, 1984.

On February 1, 1984, as completed on February 15, 1984,[1] El Paso Electric Company ("EPE") tendered for filing a two-step increase in rates for service to Rio Grande Electric Cooperative, Inc. ("Rio Grande") and Texas-New Mexico Power Company ("TNP").[2] Phase I would increase revenues by approximately $944,000 (8.9%), and Phase II would increase revenues by an additional $48,000 (0.4%). EPE initially requested an effective date of April 1, 1984, for the Phase I rates and April 2, 1984, for Phase II. In its amend February 15 submittal, the company stated that a new notice and effective date were not necessary and requested implementation of the rates as of the dates originally proposed.[3] In the event that the Phase I and Phase II rates are suspended for the same period, EPE requested that the Phase I rates be deemed withdrawn.

Notice of the original and amended filings were published in the Federal Register, with comments due by February 27, 1984, and March 17, 1984. On February 24, 1984, TNP moved to intervene, but raised no issues. On February 27, 1984, Rio Grande filed a motion to intervene, protest, motion to reject, alternative motion for maximum suspension, and motion to institute price squeeze proceedings. Rio Grande asserted that the Commission should reject or require renoticing of EPE's amended submittal. Rio Grande also stated that, pursuant to Article IV of its contract with EPE and the *Sierra-Mobile* doctrine,[4] EPE could not unilaterally change Rio Grande's rates, and that a change could be made only with Rio Grande's approval or prospectively by the Commission pursuant to a proceeding under section 206 of the Federal Power Act.[5] Absent rejection, Rio Grande requested a five month suspension.

In support of its motion for a maximum suspension, Rio Grande alleged, *inter alia*, the following: (1) An overstatement of EPE's debt component, resulting in an overstatement in the overall rate of return; (2) a possible miscalculation of AFUDC credit on CWIP not included in rate base; (3) an overstatement of line losses; (4) improper allocation of regulatory expenses; (5) failure to include revenue credits from off-system sales; (6) inclusion in rate base of costs of a new 345 kV transmission line which is not yet in service; and (7) failure to reduce fuel expenses to offset increased expenses resulting from the new transmission line. Rio Grande also stated its opposition to the inclusion of CWIP in rate base under the Commission's regulations.

On March 12, 1984, EPE filed an answer to TNP's and Rio Grande's motions in which it stated that it did not oppose the interventions. However, EPE asserted that Rio Grande's motion to reject or to require renoticing was without merit; disputed Rio Grande's claim that the *Sierra-Mobile* doctrine applies; and disputed the allegations that its cost of service is excessive. EPE acknowledged Rio Grande's objection that construction delays on EPE's new 345 kV transmission line have delayed the originally projected in-service date, and stated that the company would be willing to accept summary disposition of the transmission line issue; EPE suggested that the Commission order an interim rate excluding the costs of the line until it is placed in service.

On March 19, 1984, TNP filed a motion for leave to reply and a reply to EPE's answer. TNP stated that EPE's allegation that TNP had advanced no opposition to the merits of the increase was misleading, and that TNP would address the merits of the proposed increase at a later time.

On March 22, 1984, Rio Grande filed what it styled an answer to EPE's request for a waiver of Commission regulations in which it stated that EPE's request that the rates go into effect without renoticing and without a new effective date amounted to a request for waiver. Rio Grande opposed any waiver unless EPE adjusted its cost of service to recognize revenues from off-system sales which will occur after the completion of the line.

On March 28, 1984, EPE answered the pleading of Rio Grande, stating that EPE did not request a waiver of Commission regulations and that Rio Grande's pleading was not permitted under Commission regulations. EPE further stated that there was no need to adjust its cost of service to recognize revenues from off-system sales.

On April 10, 1984, EPE filed a letter agreement with Rio Grande which provides for a $46,000 increase in rates effective April 23, 1984, and an additional $77,000 increase effective on the day that the 345 kV transmission line goes into commercial operation.[6] Rio Grande also stipulated that its contract with EPE provides for unilateral changes in rates, to be collected subject to refund, under section 205 of the Federal Power Act, withdrew its objections to the inclusion in rate base of CWIP and the 345 kV transmission line, and requested that the settlement rates go into effect immediately, without suspension. EPE agreed to negotiate a phase-in of the Palo Verde nuclear project; agreed not to seek to increase rates to Rio Grande for costs associated with Palo Verde prior to its commercial operation, with the exception of the inclusion of CWIP in rate base; and agreed that it would not file a further rate increase with respect to Rio Grande to become effective prior to January 1, 1985. In its transmittal letter, EPE has indicated that the parties will incorporate their agreements in a formal settlement to be filed with the Commission. In the interim, EPE has requested that the effective date for its original rate filings for both Rio Grande and TNP be deferred until April 22, 1984, with a one day suspension until April 23, 1984.

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[1] In its February 15 submittal, the company substantially amended its filing to reflect the requirements of section 35.25 of the Commission's regulations regarding the treatment of accumulated deferred taxes. Because the filing was deficient in the absence of the supporting cost data, the "filing date" in this case must be considered to be February 15, 1984.

[2] *See* Attachment for rate schedule designations.

[3] As discussed *infra*, EPE subsequently deferred its proposed effective date until April 22, 1984.

[4] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *FPC* v. *Sierra Pacific Power Corp.*, 350 U.S. 348 (1956).

[5] We need not address Rio Grande's motion to reject or its request to initiate price squeeze procedures inasmuch as those requests were effectively withdrawn in a later letter agreement with EPE which is discussed below.

[6] The agreement is between EPE and Rio Grande only, not TNP.

On April 18, 1984, TNP filed a letter stating that EPE had authorized it to represent that EPE's April 10, 1984 letter had requested a one day suspension with respect to both Rio Grande's and TNP's rates.

Discussion

Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214(c)(1)), the unopposed motions of TNP and Rio Grande make them parties to this proceeding.

We note that Rule 213 of the Commission's Rules of Practice and Procedure (18 CFR 385.213(a)(2)) prohibits an answer to an answer unless otherwise ordered by the decisional authority. Since neither TNP's motion for leave to file a reply, Rio Grande's "answer," nor EPE's "answer" to the Rio Grande pleading has stated good cause for such answer, the motion of TNP will be denied and all three answers will be rejected.

Our preliminary review of EPE's filing indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept EPE's originally proposed rates for filing, and we shall suspend them as ordered below.

In *West Texas Utilities Co.*, 18 FERC ¶ 61,189 (1982), we explained the Commission's suspension policy and noted that rate filings would ordinarily be suspended for five months where preliminary review indicates that the proposed increase may be unjust and unreasonable and may produce substantially excessive revenues, as defined in *West Texas*. Our review suggests that the proposed Phase I and Phase II increases may yield substantially excessive revenues. Although a settlement agreement between EPE and Rio Grande has been filed, we note that the parties have filed no motion for collection of interim settlement rates. Since neither Rio Grande nor TNP has concurred in the company's request for a nominal suspension, we shall, consistent with *West Texas*, suspend the Phase II rates for five months, to become effective on September 22, 1984, subject to refund. If the parties desire the settlement rates to go into effect prior to the end of the suspension period, they may file a motion for approval of interim rates. As EPE has suggested, we shall deem its Phase I rates to have been withdrawn as to both customers since they would otherwise be suspended for the same periods as the Phase II rates.

We are not prepared to accept EPE's request to implement an interim rate during the suspension period, based on its acknowledgement that the new 345 kV transmission line has been delayed. This is not an issue for which the Commission would typically order summary disposition and adjust its suspension decision. EPE had control over the development of its filing, including the associated assumptions, estimates, and rate levels. Any questionable items should reasonably have been eliminated from the proposed Phase I rates in the event that the company wished to assure prompt collection of some revenue increase.[7] We do not believe that a subsequent reevaluation of a major cost component of both rate phases serves as a legitimate basis for avoiding the consequences of the Commission's suspension policy as fully articulated in *West Texas, supra*.

The Commission orders:

(A) TNP's motion for leave to file a reply to the answer of EPE is denied. The reply of TNP and the answers of Rio Grande and EPE are rejected.

(B) EPE's Phase II rates for Rio Grande and TNP are accepted for filing and suspended for five months from the deferred effective date, to become effective, subject to refund, on September 22, 1984. The Phase I rates are deemed to have been withdrawn.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chapter 1), a public hearing shall be held concerning the justness and reasonableness of EPE's rates.

(D) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[7] We note that the only difference between EPE's Phase I and II rates is a 1% difference in equity return. The second phase accounts for only about 5% of the total increase.

EL PASO ELECTRIC CO., DOCKET NO. ER84-236-000, RATE SCHEDULE DESIGNATIONS

Designation	Other party
(1) Supplement No. 11 to Rate Schedule FPC No. 17 (Supersedes Supplement No. 10).	TNP-Alamogordo.
(2) Supplement No. 4 to Rate Schedule FPC No. 35 (Supersedes Supplement No. 3).	TNP-Lordsburg.
(3) Supplement No. 10 to Rate Schedule FPC No. 18 (Supersedes Supplement No. 9).	Rio Grande-Dell City.
(4) Supplement No. 10 to Rate Schedule FPC No. 19 (Supersedes Supplement No. 9).	Rio Grande-Van Horn.

[FR Doc. 84-11479 Filed 4-26-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA84-2-33-000]

El Paso Natural Gas Co., Compliance Tariff Filing

April 23, 1984.

Take notice that on April 16, 1984, El Paso Natural Gas Company (El Paso) tendered a compliance tariff filing with the Federal Energy Regulatory Commission (Commission) as directed by Ordering Paragraph (B) of the Commission's order issued March 30, 1984, in the captioned docket.

Pursuant to Ordering Paragraph (B), El Paso has adjusted its Account No. 191 balance included in its PGA filed March 1, 1984 to reflect (i) the effect of deferred state income taxes on the calculation of carrying charges for the period June 1, 1977 to June 30, 1983; (ii) the proper amortization of the refund balance and the resultant decrease in the carrying charge balance; and (iii) the elimination from El Paso's deferred account of costs associated with producer-supplier purchases determined pursuant to Order Nos. 93 and 93-A. El Paso states that the surcharge rate of $.3703 per dth in El Paso's rates filed March 1, 1984 remains the same thereby obviating the need to file revised tariff sheets.

El Paso states that copies of its filing have been served on all parties of record in Docket No. TA84-2-33-000.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before April 30, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-11480 Filed 4-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-40-000]

Gulf States Utilities Co.; Application

April 23, 1984.

Take notice that on April 16, 1984, Gulf States Utilities Company (Applicant) filed an application seeking an order under section 204(a) of the Federal Power Act authorizing the Applicant to issue up to $100,000,000 Principal Amount of First Mortgage Bonds and seeking exemption from competitive bidding requirements.

Any person desiring to be heard or to make any protest with reference to the application should on or before May 16, 1984, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-11481 Filed 4-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-293-000]

Michigan Consolidated Gas Co. and Interstate Storage Divisions; Application

April 23, 1984.

Take notice that on March 9, 1984, Michigan Consolidated Gas Company-Interstate Storage Division (Applicant), 500 Griswold Street, Detroit, Michigan 48226, filed in Docket No. CP84-293-000 an application pursuant to secton 7(b) of the Natural Gas Act for permission and approval to abandon a portion of the natural gas storage service that it has been providing to Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In Docket No. CP77-274 Applicant was authorized to store a total of 18,650,000 Mcf of natural gas for Panhandle (on behalf of several customers of Panhandle).

Applicant states that it has been providing Panhandle with 12,250,000 Mcf of 100-day storage service under Rate Schedule X-19 of its FERC Gas Tariff, Original Volume No. 1, and with 6,400,000 Mcf of off-peak storage service under Rate Schedule X-20 of its FERC Gas Tariff, Original Volume No. 1.

It is explained that the relevant contracts between Applicant and Panhandle provided that all, or portions of, the storage services performed by Applicant under Rate Schedules X-19 and X-20 would expire on April 1, 1984, unless Panhandle requested their renewal. Panhandle has reportedly informed Applicant that, as of April 1, 1984, it wished to have only 11,300,716 Mcf stored under Rate Schedule X-19 and only, 5,225,984 Mcf stored under Rate Schedule X-20. Consequently, Applicant requests Commission authorization to abandon partially its storage services on behalf of Panhandle, with respect to 949,284 Mcf under Rate Schedule X-19 and to 1,174,016 Mcf under Rate Schedule X-20. It further asks that the proposed partial abandonments be made effective as of April 1, 1984.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirments of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if on motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal heaing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-11482 Filed 4-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-292-000]

Michigan Consolidated Gas Co.—Interstate Storage Division; Application

April 23, 1984.

Take notice that on March 9, 1984, Michigan Consolidated Gas Company—Interstate Storage Division (Applicant), 500 Griswold Street, Detroit, Michigan 48226, filed in Docket No. CP84-292-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a natural gas storage service that it has been providing to Columbia Gas of Ohio, Inc. (Columbia), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is explained that, pursuant to an agreement between Applicant and Columbia dated March 1, 1978, Applicant arranged to store up to 2,750,000 Mcf of gas for Columbia. In Docket No. CP78-270, Applicant was authorized to perform this service. Applicant states that it has provided this storage service to Columbia under Rate Schedule X-21 of its FERC Gas Tariff, Original Volume No. 1, which was filed with the Commission on August 21, 1978.

By its own terms, the gas storage agreement was scheduled to expire on April 1, 1984, unless Columbia elected to renew it, states Applicant. After considering current and long-term supply projections, Columbia reportedly informed Applicant that it no longer needs this storage service. Accordingly, Applicant filed the instant application, requesting that the proposed abandonment be made effective as of April 1, 1984.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-11483 Filed 4-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-39-000]

Pacific Power & Light Co.; Application

April 23, 1984.

Take notice that on April 13, 1984, Pacific Power & Light Company (Pacific) filed its application with the Federal Energy Regulatory Commission (Commission), pursuant to section 204 of the Federal Power Act, seeking an order (1) authorizing it to guarantee not more than $75,000,000 in aggregate principle amount of debentures to be issued by a Netherlands Antilles financing subsidiary, (2) authorizing it to issue its promissory notes to the financing subsidiary to evidence the borrowing of the debenture proceeds, (3) authorizing it to issue promissory notes and to borrow not more than $30,000,000 to capitalize its financing subsidiary, and (4) exempting the proposed transactions from the Commission's competitive bidding requirements.

Any person desiring to be heard or to make any protest with reference to the application should, on or before May 14, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with 18 CFR 385.211 or 385.214, respectively. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-11484 Filed 4-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-381-001]

Transcontinental Gas Pipe Line Corp. et al.; Amendment

April 23, 1984.

Take notice that on March 27, 1984, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, Texas Eastern Transmission Corporation (TETCO), P.O. Box 2521 Houston, Texas 77252, Natural Gas Pipeline Company of America (Natural), P.O. Box 1208, Lombard, Illinois 60148, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, and Gasdel Pipeline System Incorporated (Gasdel), P.O. Box 570, Newark, New Jersey 07101, filed in Docket No. CP83-381-001 an amendment to the joint application filed June 17, 1983, in Docket No. CP83-381-000 pursuant to section 7(c) of the Natural Gas Act to reflect certain changes in the original proposal and to reflect Gasdel as one of the joint applicants, all as more fully set forth in the amendment to application which is on file with the Commission and open to public inspection.

Applicants state that in their application filed in Docket No. CP83-381-000, Applicants (other than Gasdel) proposed to construct and operate pipeline and metering facilities to connect reserves committed to them in Blocks A-552, A-567 and A-568 in the High Island Area, South Addition, to High Island Offshore System (HIOS) in Block A-539, offshore Texas. Specifically, the proposed facilities included (1) approximately 10.67 miles of 20-inch pipeline extending from a connection with the 30-inch West Leg of HIOS in Block A-539 to production platform A in Block A-568, (2) approximately 2.02 miles of 12-inch pipeline extending from an underwater connection with the above 20-inch line in Block A-552 to a production platform in Block A-567, (3) approximately 0.96 mile of 10-inch pipeline extending from an underwater connection with the above 20-inch line in Block A-552 to a production platform in that same Block A-552, and (4) a meter and regulator station on each of the above production platforms.

It is stated that the application noted that small volumes of gas in Blocks A-552 and A-567 were then uncommitted and that the facilities' capacities related to such volume were not therefore owned by any Applicant. The proposed amendment states that all such gas has now been committed and that the purchasers (or in one case Gasdel) would own the proportionate parts of the proposed facilities which are associated with such new commitments.

It is stated that the gas in Block A-552 which is owned by the Public Service Electric and Gas Company (PSE&G) production affiliate Energy Development Corporation, is committed to PSE&G and that Gasdel, also an affiliate, would own the facilities necessary for it to transport the gas to HIOS. It is further stated that the uncommitted gas in Block A-567 has now been contracted for by TETCO, which would own the proportionate parts of the facilities related to such gas.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 14, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-11485 Filed 4-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP84-70-000 and TA84-2-52-001]

Western Gas Interstate Co.; Proposed Tariff Change and Proposed PGA Rate Adjustment

April 23, 1984.

Take notice that on April 19, 1984, Western Gas Interstate Company, ("Western"), pursuant to section 4 of the Natural Gas Act and Part 154 of the Commission's Regulations thereunder filed certain changes to the Purchased Gas Adjustment Provisions of its FERC Gas Tariff and a resulting change to its rates under Rate Schedules G-N and G-S. In order to effectuate those changes, Western filed the following tariff sheets to Original Volume No. 1 to its FERC Gas Tariff:

Substitute Twenty-Fifth Revised Sheet No. 3A

Sixth Revised Sheet No. 33C

The proposed effective date is May 1, 1984.

Western is proposing a change to its currently effect PGA wherein it recovers or returns the balance which has accumulated in the unrecovered purchase gas cost account (Account No. 191) in the preceding 6-month period, during the next succeeding six-month period. Western states that because of certain changes over the past several years, a disparity in seasonal load profiles has occurred on its Northern and Southern Divisions. Consequently, that the current method of recovery of purchased gas costs under Account No. 191 has become inequitable. Western states that the proposed method spreads its gas costs more equitably to all customers.

This situation does not exist with regard to the customers served in the Western Division under Western's Rate Schedule G-R. Western is not, therefore, proposing a change to the six-month method for that rate schedule.

Consequently, Western is proposing to amortize the amount in Account No. 191 over a twelve month period. Western's filing reflects that proposed change.

In addition, Western states that the proposed change will cause an immediate reduction in the unit cost of gas charged to its G-N and G-S customers. Western has, therefore, also filed a tariff sheet reflecting that reduced cost of gas. Western has requested that this out-of-period change to its PGA be accepted by the Commission to become effective May 1, 1984 in place of the PGA change filed by Western on March 31, 1984 in Docket No. TA84-2-52-000.

Western has requested that the Commission waive the notice requirements and other applicable Commission Regulations so that the proposed changes can become effective on May 1, 1984.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 212 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 30, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-11358 Filed 4-26-84; 8:45 am]

BILLING CODE 6717-01-M

Objection to Proposed Remedial Order Filed; Office of Hearings and Appeals; Week of March 26 Through March 30, 1984

During the week of March 26 through March 30, 1984, the notice of objection to proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 20, 1984.

International Crude Corp. and Gregg Pritchard, Abilene, Texas, HRO-0210

On March 26, 1984, International Crude Corporation and Gregg Pritchard, 1500 Industrial Boulevard, Abilene, Texas filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration (ERA) issued to the firm on February 10, 1984. In the PRO the ERA and Mr. Pritchard found that during March 1979 through December 1980, the firm and Mr. Pritchard charged prices in the resale of crude oil in excess of those permitted by 10 CFR Part 212, Subpart L. According to the PRO the violation resulted in $4,718,642.31 of overcharges.

[FR Doc. 84-11493 Filed 4-26-84; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of April 6 Through April 13, 1984

During the Week of April 6 through April 13, 1984, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 20, 1984.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Apr. 6 through Apr. 13, 1984]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 5, 1984	Pel-Star Energy, Inc., Washington, D.C.	HRZ-0193	Interlocutory order. If granted: Certain documentary evidence submitted by the Economic Regulatory Administration in its Response to the Statement of Objections submitted by Pel-Star Energy, Inc. regarding the Proposed Remedial Order in Case No. HRO-0175 would be stricken from the record.
Apr. 10, 1984	Entex Petroleum, Inc., Enid, Okla.	HRX-0102	Supplemental order. If granted: The April 5, 1984, Decision and Order issued to Entex Petroleum, Inc. (Case No. BRO-1252) would be modified to provide appropriate appeal provisions.
Apr. 11, 1984	Economic Regulatory Administration, Washington, D.C.	HRR-0088	Request for modification/rescission. If granted: The March 29, 1984, Decision and Order (Case Nos. HRD-0105, HRD-0106, HRH-0106, HRD-0108, HRH-0108, and HRZ-0133) issued to Petrotech Trading Company would be modified regarding its proposal for the apportionment of overcharge monies among the Proposed Remedial Order recipients.
Apr. 12, 1984	U.S.A. Petroleum, Inc., Washington, D.C.	HEF-0500	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V in connection with the July 21, 1982 Consent Order issued to U.S.A. Petroleum Company.
Do.	Economic Regulatory Administration, Washington, D.C.	HRD-0207	Motion for discovery. If granted: Discovery would be granted to the Economic Regulatory Administration in connection with the Statement of Objections submitted in response to the December 9, 1983, Proposed Remedial Order (Case No. HRO-0155) issued to Gulf Oil Corporation.
Do.	Crown Central Petroleum Corp., Washington, D.C.	HFA-0216	Appeal of an information request denial. If granted: The March 9, 1984 Freedom of Information Request Denial issued by the Office of Special Counsel would be rescinded, and Crown Central Petroleum Corporation would receive access to certain audit-related materials.

REFUND APPLICATIONS RECEIVED

[Week of Apr. 6 to Apr. 13, 1984]

Date	Name of Refund proceeding/name of refund applicant	Case No.
Apr. 9, 1984	Amoco/Kansas	RF21-12305
		RF21-12306
Do.	Amoco/Kansas	RF21-12307
Do.	Amoco/Hap's Enterprises, Inc.	RF21-12308
Do.	Amoco/Diesel Automobile Association	RO21-83

[FR Doc. 84-11494 Filed 4-26-84; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Floodplain/Wetlands Involvement Determination for the Oracle-Tucson 115-KV Transmission Line in Pima County, Arizona

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Floodplain/Wetlands Involvement and Opportunity for Comment.

SUMMARY: The Western Area Power Administration (Western) proposes to permit the Tucson Electric Power Company (TEP) to rebuild a 10-mile section of the existing Oracle to Tucson 115-kV transmission line. The work will be completed in two stages. Stage one is to be completed by May of 1985. This stage will extend northerly for approximately 5 miles from Rillito Substation to the site of TEP's proposed La Canada Substation. Stage two will be constructed between TEP's proposed La Canada and Rancho Vistoso Substations, a distance of approximately 5 miles. The scheduled in-service date for this stage is May of 1987. No new right-of-way (ROW) will be required. The existing wooden structures will be replaced with double circuit single-pole steel structures. On one circuit of the new structures TEP will replace Western's conductor with a new conductor. Western's line will remain at 115-kV. On the second circuit, TEP will place their new 138-kV conductor. By using the same ROW, both parties are utilizing the City of Tucson's and Pima County's consolidated corridor concept.

This project is needed in order to provide additional service and to reinforce the growing load in the northern part of TEP's service area. Western's new upgraded structures would result in reduced operation and maintenance costs for the 10-mile section.

Pursuant to the Department of Energy's "Compliance with Floodplain/Wetlands Enviornmental Review Requirements" (19 CFR Part 1022), Western has determined that this project would involve activities within a floodplain/wetlands area. Western will prepare a floodplain assessment as part of its environmental assessment. The line crosses the Canada del Oro Wash floodplain in T.12S., R.13E., sections 14 and 15.

Activities in the floodplain area include replacing five structures. As required, these structures would receive floodproofing measures such as deeper foundations. Vehicular traffic across part of the floodplain would occur during construction.

Maps and further information are available from Western at the address provided below. Public comments or suggestions on Western's proposed activity in this floodplain/wetlands area are invited.

DATE: Comments are due on or before May 14, 1984.

DATES: Send written comments or suggestions to: Mr. Charles W. Saylor, Enviornmental Specialist, Boulder City Area Office, Western Area Power Administration, Department of Energy, P.O. Box 200, Boulder City, NV 89005, (702) 293-8344 or FTS 598-7844.

FOR FURTHER INFORMATION CONTACT: Mr. Gary W. Frey, Director of Environmental Affairs, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401, (303) 231-1527 or FTS 327-1527.

Issued at Golden, Colorado, April 16, 1984.
Robert L. McPhail,
Administrator.
[FR Doc. 84-11498 Filed 4-26-84; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59155; FRL 2574-7]

Substituted Aminobenzene; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the Federal Register of May 13, 1983 (48 FR 21722. This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

DATE: Written comments by May 14, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS-59155]" and the specific TME number should be sent to: Document Control Officer (TS-793), Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

TME 84-46

Close Review Period. June 4, 1984.

Manufacturer. Confidential.

Chemical. (G) Substituted aminoazobenzene.

Use/Production. (G) Used as a functional additive for photolighographic material. Prod. range: 50 kg/yr, 12 months.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 50 workers.

Environmental Release/Disposal. No data submitted.

Dated: April 20, 1984.
Linda A. Travers,
Acting Director, Information Management Division.
[FR Doc. 84-11242 Filed 4-26-84; 8:45 am]
BILLING CODE 6560-50-M

[OPTS-59151A; TSH-FRL 2576-2]

Certain Chemicals; Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA)
ACTION: Notice.

SUMMARY: This notice announces EPA's approval of two applications for test marketing exemptions (TMEs) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-84-40 and TME-84-41. The test marketing conditions are described below.

EFFECTIVE DATE: April 22, 1984.

FOR FURTHER INFORMATION CONTACT: Joe B. Boyd, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-202, 401 M St. SW., Washington, D.C. 20460, (202-382-3739).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME-84-40 and TME-84-41. EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the TME applications, and for the time periods and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volumes, number of workers exposed to the new chemicals, and the levels and durations of exposure must not exceed those specified in the applications. All other conditions and restrictions described in the applications and in this notice must be met.

TME 84-40

Date of Receipt: March 12, 1984.

Notice of Receipt: March 23, 1984. (49 FR 11011).

Applicant: Confidential.

Chemical: (G) Substituted urea.

Use: (G) Open, non-dispersive use.

Production Volume: Confidential.

Number of Customers: Confidential.

Worker Exposure: Confidential.

Test Marketing Period: 1year.

Commencing on: April 22, 1984.

Risk Assessment: Based on analogy with structurally related substances, the Agency identified potential health effect concerns. However, worker exposure is expected to be very low and EPA is granting this TME application subject to the conditions outlined above and the restrictions specified below. Although EPA identified ecological effect concerns by comparison with chemical analogues, environmental releases will be low. Therefore, the test market substance should not pose any unreasonable health or environmental risk.

Additional Restrictions: Workers are required to wear goggles and protective gloves during manufacturing and processing operations that involve transfer of the substance. The Material Safety Data Sheet must include the requirement for workers to wear goggles and protective gloves.

Public Comments: None.

TME 84-41

Date of Receipt: March 14, 1984.

Notice of Receipt: March 23, 1984 (49 FR 11011).

Applicant: Products Research and Chemical Corporation.

Chemical: (S) Polymer of 2,2'-thio-bis(ethanol), 2-mercaptoethanol, propylene oxide and phenyl isocyanate.

Use: (S) Sealing compound.

Product Volume: 5,000 lbs.

Number of Customers: 10.

Worker Exposure: Manufacture and use: dermal, a total of 99 workers, up to 8 hrs/day, up to 250 day/yr.

Test Marketing Period: 1 year.

Commencing on: April 22, 1984.

Risk Assessment: No significant health or environmental concerns were

identified. The estimated worker exposure and environmental release of the test market substance are expected to be low. The test market substance will not pose any unreasonable health or environmental risks.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the text marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: April 22, 1984.

Don R. Clay,

Director, Office of Toxic Substance.

[FR Doc. 84-11429 Filed 4-26-84; 8:45 am]

BILLING CODE 6560-50-M

[AMS-FRL 2575-6]

Fuels and Fuel Additives; Waiver Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On March 14, 1984, counsel for Ethanol Plus, Ltd. submitted an application for a waiver of the prohibition on introduction into commerce of certain fuels and fuel additives set forth in section 211(f) of the Clean Air Act ("Act"). This application seeks a waiver for a fuel additive containing anhydrous ethanol, isopropanol and a metal deactivator, to be blended with unleaded gasoline. The Administrator of EPA has until September 10, 1984 (180 days from the date of receipt of the application) to grant or deny this application.

DATE: Comments should be submitted on or before June 11, 1984.

ADDRESS: Copies of information relative to this application are available for inspection in public docket EN-84-01 at the Central Docket Section (LE-131) of the EPA, Gallery I—West Tower, 401 M Street, SW., Washington, D.C. 20460, (202) 382-7548, between the hours of 8:00 a.m. and 4:00 p.m. Any comments from interested parties should be addressed to this docket with a copy forwarded to Richard G. Kozlowski, Director, Field Operations and Support Division (EN-397), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Alan P. Loeb, Attorney-Advisor, Field Operations and Support Division (EN-397), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382-2655.

SUPPLEMENTARY INFORMATION: Section 211(f)(1) of the Act makes it unlawful, effective March 31, 1977, for any manufacturer of a fuel of fuel additive to first introduce into commerce, or to increase the concentration in use of, any fuel or fuel additive for use in light duty motor vehicles manufactured after model year 1974 which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975, or subsequent model year, vehicle or engine under section 206 of the Act. EPA has defined "substantially similar" at 46 FR 38528 (July 28, 1981).

Ethanol Plus, Ltd. is requesting that EPA grant a waiver for introduction into commerce of a fuel additive for blending with unleaded gasoline. The additive is composed of anhydrous ethanol, isopropanol and the metal deactivator N,N'-disalicylidene-1,2-propanediamine, with isopropanol constituting from 10% to 20% by volume of the additive and the metal deactivator constituting 2.5 pounds per 1000 barrels of additive. The application seeks to blend up to 10% by volume of the additive with at least 90% by volume unleaded gasoline.

Section 211(f)(4) of the Act provides that upon application by any fuel for fuel additive manufacturer the Administrator of EPA may waive the prohibitions of section 211(f)(1) if the Administrator determines that the applicant has established that such fuel or fuel additive will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emissions standards to which it has been certified pursuant to section 206 of the Act. If the Administrator does not act to grant or deny a waiver within 180 days; by September 10, 1984, of receipt of the application, the waiver shall be treated as granted.

Dated: April 19, 1984.

Sheldon Meyers,

Acting Assistant Administrator for the Air and Radiation.

[FR Doc. 84-11424 Filed 4-26-84; 8:45 am]

BILLING CODE 6560-50-M

[OPP-00176; PH-FRL 2576-1]

State-FIFRA Issues Research and Evaluation Group (SFIREG) Working Committees; Open Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a two-day meeting of the Working Committee on Registration and Classification of the State FIFRA Issues Research and Evaluation Group (SIFREG) and a two-day meeting of the SFIREG Working Committee on Enforcement and Certification to discuss various aspects of pesticides. The meetings will be open to the public.

DATE: The Working Committee on Registration and Classification will meet on Tuesday and Wednesday, May 15 and 16, 1984. The Working Committee on Enforcement and Certification will meet on Thursday and Friday, May 17 and 18, 1984. The meetings of both committees will start at 8:30 a.m. each day. The final meeting will conclude by 12 p.m. Friday, May 18.

ADDRESS: Both meetings will be held at: Gunter Hotel, 205 E Houston Street, San Antonio, TX 78292, (512-227-3241).

FOR FURTHER INFORMATION CONTACT: By mail, Philip H. Gray, Jr., Office of Pesticide Programs (TS-766C), 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 1115, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7096)

SUPPLEMENTARY INFORMATION: The meeting of the Working Committee on Registration and Classification will be concerned with the following topics:

1. EPA policy on advertising of pesticides.
2. EPA policy on issuance of section 24(c) registrations and granting of section 18 exemptions.
3. Potential registrant abuse of experimental use permits.
4. Registration of plant growth regulators.
5. Cut-off dates for each Label Improvement Program PR Notice.
6. Use of vegetable oil as a diluent.
7. Imprecise an/or unenforceable label language.
8. Clarification of crop grouping tolerances.
9. Status of cancellation of section 24(c) registrations.
10. Classification of use of granular formulations of certain agricultural pesticides.
11. Revised section 18 regulations.
12. Case-by-case review of section 24(c) registrations.
13. Use of termiticides at less than the label rate.
14. Pesticide fact sheets.
15. Electronic mail.
16. Status of cancellation of uses of ethylene dibromide.

17. Update on "Tamper-Proof Bait Boxes" issues.
18. Update on the registration and use of Larvadex.
19. Classification of uses of certain grain fumigants.
20. Pesticide incident monitoring system.
21. LIP—Fumigants.
22. Notification of rescission procedures for RUP classification.
23. Chemigation.
24. Use of chlordane/heptachlor to control termites in institutional structures.
25. Trends in pesticide usage.
26. Other topics as appropriate.

The meeting of the Working Committee on Enforcement and Certification will be concerned with the following topics:

1. Chemigation regulations and exposure concern.
2. Transportation of fumigated commodities.
3. Worker protection standards for agricultural pesticides.
4. Status of suspended and cancelled products publication.
5. Disposal of pesticides.
6. Compound 1080 applicator certification and training program.
7. Pesticide sales through telephone solicitation.
8. Ethylene dibromide suspension enforcement.
9. Funding issues: enforcement and certification/training grants.
10. Labeling requirements directed toward protection of groundwater.
11. New Good Laboratory Practice Regulations/Lab Audit Program.
12. Status of EPA Pesticide Use Surveys.
13. State-Federal Enforcement Relationship Work Group.
14. EPA Policy on "Under the Direct Supervision of a Certified Applicator".
15. Other topics as appropriate.

Dated: April 20, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 84-11428 Filed 4-26-84; 8:45 am]
BILLING CODE 6560-50-M

[OPP-30080; PH-FRL 2577-1]

Cyromazine; Proposed Determination Concerning Conditional Registration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed conditional registration; request for comments.

SUMMARY: This notice sets forth the Agency's proposed determination to issue a conditional registration, pursuant to section 3(c)(7)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), for the insect growth regulator cyromazine, for use as a 0.3 percent pre-mix feed-through to control fly larvae in poultry manure, for a period which extends to December 31, 1985. The Agency proposes to determine that, although melamine, a metabolite of cyromazine, may meet or exceed the Rebuttable Presumption Against Registration (RPAR) criteria set forth in 40 CFR 162.11, the benefits of use outweigh the risks of use for the period of the conditional registration, and the issuance of the conditional registration is in the public interest.

DATE: Comments must be submitted by May 29, 1984.

ADDRESS: Comments should bear the document control number OPP-30080 and be submitted by mail to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person bring comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

Timothy A. Gardner, Product Manager (PM) 17, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 207, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2690).

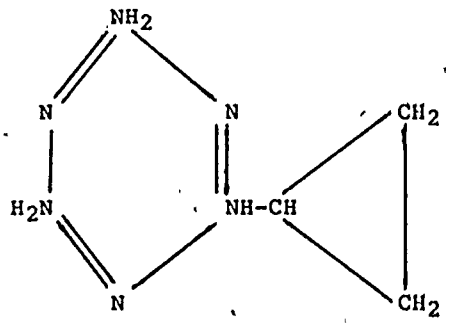
SUPPLEMENTARY INFORMATION:

I. Introduction

An application for registration of a product containing the insect growth regulator cyromazine has been submitted to the Agency by Ciba-Geigy Corp. The Agency has evaluated the data submitted by the manufacturer and is proposing to issue a conditional registration and request comments. The public is being provided a 30-day period from the date of this publication within which to comment on this proposed determination to issue a conditional registration for cyromazine.

Cyromazine is the accepted American National Standards Institute name for the chemical *N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine. The trade name for cyromazine is Larvadex®. Technical cyromazine is a white, odorless, crystalline solid. The chemical has a molecular weight of 166.19. Cyromazine has a melting point of 220° to 222° C and a vapor pressure of $<10^{-6}$ Torr at 20° C.

Cyromazine is a triazine insecticide and has the empirical formula $C_9H_{10}N_6$. The structural formula is:



An analytical method identified as AG-417, using high-performance liquid chromatography and a u.v. detector, is available to determine residues of cyromazine and its metabolite, melamine, for enforcement purposes.

On July 10, 1979, Ciba-Geigy Corp. filed an application with the EPA for experimental use permits (EUP) for field evaluation of cyromazine in controlling flies around poultry. Pesticide petitions to establish temporary tolerances for cyromazine for 0.2 part per million (ppm) in eggs, meat, fat, and meat by-products of poultry; 0.1 ppm in meat, fat, and meat by-products of beef cattle, sheep and hogs; and 5.0 ppm in poultry feed were also filed as published in the Federal Register of June 13, 1980 (45 FR 40221). These temporary tolerances were established based on residues resulting from application of Larvadex at the rate of 1 pound of 0.3 percent pre-mix per ton of poultry feed. Ciba-Geigy Corp. received EUP and temporary tolerance extensions in 1982. These temporary tolerances and their associated EUPs expire May 16, 1984.

In 1981, States began filing requests with EPA to use cyromazine under the emergency exemption provision of section 18 of FIFRA to control several species of manure breeding flies in caged layer poultry houses. From 1981 until the fall of 1983, 28 States had requested and received emergency exemptions to use cyromazine.

On July 7, 1982, Ciba-Geigy Corp. filed an application with the Agency for conditional registration of Larvadex® as a fly-control agent around caged layer poultry houses. Pesticide petitions to establish permanent tolerances for cyromazine at 0.4 ppm in or on eggs, meat, fat, and meat by-products of poultry and at 5.0 ppm in poultry feed were filed, as published in the Federal Register of August 11, 1982 (47 FR 34851). The permanent tolerance of 0.4 ppm was proposed on the basis of residues resulting from the application of Larvadex® at the rate of 3.3 pounds of 0.3 percent pre-mix per ton of poultry feed.

There were no comments received in response to the notice of filing.

The Agency reviewed the data submitted in support of the registration and permanent tolerances and was ready to make a determination to conditionally register Larvadex® and establish tolerance levels when the National Toxicology Program (NTP) released the results of a bioassay on melamine, a metabolite of cyromazine. As a result of the reported oncogenicity of melamine in the NTP bioassay the Agency stopped the cyromazine registration process. Then on August 19, 1983, the Agency temporarily suspended all Section 18 emergency exemptions for the use of cyromazine as a result of the reported finding of the NTP bioassay. The Agency believed this to be a prudent course of action until it could review the NTP bioassay and conduct risk assessments to determine the risk, if any, posed by the cyromazine metabolite.

The Agency has determined that melamine, a metabolite of cyromazine, meets or exceeds the Rebuttable Presumption Against Registration (RPAR) criteria set forth in 40 CFR 162.11. (See the discussion in the related document in this issue of the Federal Register on whether melamine should be regarded as an oncogen.) Based on a review of the risks and benefits of the proposed use of cyromazine, the Agency proposes to determine that the benefits of the proposed use of cyromazine outweigh any risks posed by it or by melamine. This Notice sets forth the bases for this determination and for EPA's proposal to conditionally register cyromazine for use as a feed-through larvacide for poultry pursuant to section 3(c)(7)(C) of FIFRA. The supporting documentation which provides the detailed basis for this determination is available in Rm. 236 at the address given above.

This Notice is organized into four units. Unit I is this Introduction. The regulatory framework under which this action is taken is discussed in Unit II. Unit III summarizes the risks and benefits of the uses of cyromazine and sets forth the Agency's reasons for proposing to issue a conditional registration for cyromazine. Finally, Unit IV requests comments and describes the procedures the Agency will follow subsequent to receipt of the comments.

II. Legal Background

In order to obtain a registration for a pesticide under FIFRA, a person must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires (among other things) that the pesticide perform its intended function without causing "unreasonable adverse effects on the environment" under section 3(c)(5). Section 2(bb) of FIFRA defines the term "unreasonable adverse effects on the environment" as "any unreasonable risk to man or the environmnet, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide." In effect, the statute requires a finding that the benefits of each use of the pesticide exceed the risks of use, when the pesticide is used in accordance with the terms and conditions of registration or in accordance with widespread and commonly recognized practice. The burden of proof that a pesticide satisfies this registration criterion is on the proponents of registration and continues as long as the registration remains in effect. Section 3(c)(7)(C) of FIFRA gives the Agency authority to issue a conditional registration for a pesticide containing a new active ingredient, where certain data are lacking, on condition that such data will be received by the end of the conditional registration period and do not meet or exceed the risk criteria set forth in the regulations. A conditional registration may only be granted if the Agency determines that the use of the pesticide during the conditional registration period will not cause unreasonable adverse effects during the period of conditional registration and when a determination is made that the registration is in the public interest.

The Agency created the Rebuttable Presumption Against Registration (RPAR) process to facilitate the identification of pesticide uses which may not satisfy the statutory standard for registration and to provide a structure for gathering and evaluating information about the risks and benefits of these uses. After an RPAR is issued, registrants and other interested persons are given the opportunity to review the data upon which the presumption is based and to submit data and information to rebut the presumption. Respondents may rebut the presumption of risk by showing that the Agency's initial determination of risk was in error, or by showing that use of the pesticide is not likely to result in any significant exposure to humans or to animals or plants of concern with regard to the adverse effects in question. In addition to submitting evidence to rebut the risk presumption, respondents may submit evidence as to whether the economic, social, and environmental benefits of use of the pesticide subject to the presumption outweigh the risks of use. If the Agency determines that a presumption has not been rebutted, it will then consider information relating to the social, economic, and environmental costs and benefits which registrants and other interested persons submitted to the Agency, and any other benefits information known to the Agency.

After weighing the risks and the benefits of a pesticide's use, the Administrator may conclude the RPAR process by issuing a notice of intent to cancel or deny registration pursuant to FIFRA section 6(c)(1) and section 3(c)(6), or by issuing a determination that the benefits of use outweigh the risks of use. The latter determination may include the imposition of regulatory measures to reduce the risk to an acceptable level.

III. Summary of Risks and Benefits—Registration Determination

The Agency has considered information on the risks associated with the proposed use of cyromazine including information submitted by the manufacturer. The Agency has also considered information on the social, economic, and environmental benefits of the proposed use of cyromazine, including benefits information submitted by the manufacturer.

A. Determination of Risk

The Agency has reviewed and evaluated the data submitted by the manufacturer in support of the registration of cyromazine and the establishment of tolerances and feed additive regulations. A discussion of the data submitted and used to evaluate the risk can be found in a companion

document appearing elsewhere in this issue of the Federal Register.

B. Additional Data Requirements

The amounts of cyromazine and its metabolites that eventually appear in poultry and egg products are directly affected by the dosage and frequency of the feed-through application, and, for meat, also by the timing between the last administered dose and slaughter. The dosage, reapplication interval, and preslaughter limitations are controlled through the directions for use on the registered label.

These directions for use are developed on the basis of efficacy data. The preslaughter limitations are a result of the review of residue data submitted for the proposed use pattern. Dosage and timing of application, however, may be altered in some cases to change the pattern of use such that an effective application may still be utilized while reducing the eventual pesticide and metabolite residues that appear in or on food. Thus, when a proposed pesticide use may pose a risk related to the dosage of the formulation used, it is imperative to ascertain the minimum effective dosage and to refine this dosage range under different types of application intervals to ensure that unnecessary amouts of pesticide are not being applied.

Modified application intervals include treatment regimes such as intermittent applications timed to coincide with fly population densities and alternating applications of syromazine with spray treatments of currently registered fly control materials. Both of these schemes may offer certain additional advantages with respect to modification of the fly gene pool, subsequently delaying the development of resistance to both cyromazine and currently registered treatments.

At present, it is proposed that cyromazine be labelled for use at between 1.5 and 5.0 ppm in the feed of poultry. There are no data in the Agency's possession to indicate that lower dosages either are effective or ineffective. The minimum effective dose, as required by the guidelines, has not been established, since the Agency does not require the submission of efficacy data for agricultural products routinely, although such data is required when necessary. Communications with researchs and extension service personnel in several States indicate that most users of Larvadex® are mixing feed at the low rate. Poultry are not being treated at lower than label rates as bulk mixing of feed for commercial poultry production is normally performed by feed mills, not poultry growers. Nevertheless, the fact that the low dosage is apparently the most popular may indicate that the minimum effective dosage may potentially be somewhat lower than that which appears on the present label.

Intermittent treatment schedules have been tried in several States, where cyromazine treatment has been suspended for a period of time resulting in intermittent applications. These preliminary data indicate that it may be possible to suspend cyromazine applications for several weeks once the initial fly population is brought under control, when insect population densities are carefully monitored in an integrated pest management program. These data are only preliminary in nature, however, and such techniques must be refined and tested under a variety of conditions before any changes in the existing labeling can be made.

Therefore, the following data must be submitted to support the relative effectiveness and utility of the current cyromazine registered-use patterns, and provide the data necessary to allow EPA to determine whether lower dosages and/or intermittent applications of cyromazine are feasible alternatives which would reduce the residues of cyromazine and/or its metabolites in poultry and eggs:

1. *Efficacy data*—a. Data establishing the method of action of cyromazine when used as a feed-through treatment for the control of the housefly, the lesser housefly, and soldier flies in the manure of treated poultry.

b. Data to justify the label dosage and establish the minimum effective dosage for all pests appearing on the label.

Such data should, when taken as a whole, satisfy all of the pertinent requirements from the EPA Guidelines, Subpart G Product Performance. Important items are to be found in section 95-1, General Requirements and section 95-8, Livestock, Poultry, Fur and Wool-bearing Animal Treatments, and are summarized as follows:

(1) The data must be from a sufficient number of geographic areas to permit confidence in the results of pesticide application over the normal variety of use conditions.

(2) The data not only should include measurements of pest control but also should evaluate the effects of the treatment on feed palatability, adverse effects on the treated animals, animal weight gains or egg production, and any other important benefits or adverse effects as a result of the pesticide applications.

(3) The individual reports should accurately identify the formulation utilized, the dosage administered (as a function of percent composition in the feed, parts per million in the feed, or milligrams of active ingredient per kilogram of animal body weight), the amount of feed consumed per animal and/or per group of animals, the timing of pesticide applications, and the length of the treatment period.

(4) Measurements of the reduction in fly population density based upon adult fly reductions, substantiated by evaluations of emergence of flies from manure and/or bioassay testing comparing both treated and untreated groups. Comparisons to registered standard treatment regimens for the control of flies in poultry production are desirable.

c. Data should be submitted which justifies the pest status of soldier flies. EPA records indicate that these insects may be beneficial predators of muscoid flies in poultry manure and do not generally achieve pest-level population densities when muscoid fly populations are under control.

d. Data regarding the incorporation of cyromazine feed-through applications into integrated pest management programs, including information on mechanisms to reduce dosages and/or intermittently suspend cyromazine applications as a result of fly population density monitoring.

2. *Residue data.* One of the primary purposes of developing additional efficacy data relative to the use of cyromazine for the control of flies in poultry operations is to reduce the amount of active ingredient used and therefore subsequently reduce the eventual residues in poultry products and eggs. Therefore, the following residue data must be concurrently developed and submitted.

a. Residue data which reflects the results of the various treatment regimens as previously described in the efficacy requirements. These data should reflect the results of testing at both the minimum effective dosage and as a result of the utilization of intermittent applications.

b. A poultry feeding study which demonstrates whether levels of cyromazine and melamine residues have plateaued by 28 days in both meat and eggs and how fast residues decline after cessation of dosing.

3. *Field dissipation data on melamine only.* The purpose of this requirement is to provide the Agency with data, gathered through a long-term field dissipation study, that can show that melamine residues will not leach into the lower depths of soil and contaminate ground water. This can be accomplished either by actual field data

or data showing that concentrations of melamine residue will be below detection limits of an analytical method for melamine residue in soil.

C. Evaluation of Benefits

Cyromazine is the only feed-through pesticide currently available to poultrymen. Its unique characteristics and effectiveness make it an extremely desirable compound for egg producers located in urban or residential areas, where flies breeding in chicken manure create public health problems and nuisance concerns. Cyromazine added to feed provides a simple, integrated method of controlling flies that requires no added labor and equipment costs and no need to coordinate repetitive multiple applications, which are necessary with conventional sprays.

Poultry and eggs are produced in all 50 States of the U.S.A. The major fly control problems are primarily associated with caged laying hen operations. Caged layer houses vary in age and type of construction and this can limit the sophistication of the manure management options open to poultrymen.

These poultry operations may have capital investments of from $50,000 to $5 million or more and involve hundreds of thousands of birds. Generally, fly problems only become serious when a poultry operation is located within 1 to 3 miles of residential or urban areas. Flies pose a public health threat over and above the aesthetic or nuisance factors when nearby neighborhoods and businesses are invaded. Flies (principally the house fly) are capable of transmitting pathogens, including eggs of internal parasites (e.g. pinworm, tapeworm) on their bodies or in their vomit and feces. Over 100 pathogenic organisms have been associated with and may be transmitted by flies, including those causing food poisoning (Salamonellosis), diarrhea (Shigellosis), poliomyelitis, and infectious hepatitis. "Excess" fly populations migrating from poultry buildings can result in local health officials issuing citations, and in extreme cases, following repeated violations, closing down a poultry business. In addition, poultrymen are subject to civil suits and must contend with poor neighbor relations and/or harassment from nearby property owners.

Fly control in poultry in poultry houses is usually accomplished in two ways: Through sanitation (manure management) and through the application of pesticides. Sanitation can be extremely important in alleviating the problem of adult flies in urban and suburban areas by reducing the amount of available breeding media. Modern methods of manure management have been shown to be highly successful in reducing overall fly populations. Unfortunately, many poultry houses are of older design and thus do not permit modern manure management practices. These operations must rely upon pesticide applications when migrating fly populations exceed the levels accepted by local public health authorities.

Pesticides may account for up to 5 percent of the operating costs of a poultry operation, and the degree of control or knockdown is frequently unsatisfactory due to resistance, breakdown of baits, short life of space sprays, etc. Space treatments may be repeated on 1- to 5-day intervals; residual applications may only last about 2 weeks. Baits, while unlikely to result in residues occurring in poultry and eggs, are only a supplementary treatment to other methods of fly control. Manure treatments are the most expensive and are only practicable for spot treating. Fly tapes and electrified black lights are of limited use.

Of the conventional pesticides currently registered, the most effective appear to be the synthetic pyrethroids. The conventional insecticides are labor and equipment intensive; application methods disturb the chickens, and the cost is high and results short-lived. A limited amount of residues may appear in poultry and eggs as a result of spray application for fly control in poultry houses. The registered alternative sprays for fly control in poultry houses all have either some identified special problems or have a limited data base pertaining to chronic effects.

The following chart describes the active ingredients registered as sprays for fly control in poultry houses.

PESTICIDES REGISTERED AS SPRAYS FOR FLY CONTROL IN POULTRY HOUSES

Chemical name	Tolerance levels		Special problems
	Poultry (ppm)	Eggs (ppm)	
Chlorfenvinphos (Supona®)	0.005	0.005	Positive mutagen.
Pyrethrin	0.2	0.1	No problems identified. Data base is very limited.
Naled (Dibrom®)	0.05	0.05	Naled readily converts (by debromination) to dichlorovos (DDVP). It is most likely that DDVP is the actual toxic agent. See DDVP data base listed below.
Dimathoate	0.02	0.02	Oncogenicity, teratogenicity and reproductive data inconclusive. Positive mutagen. Based on the RPAR findings, data gaps exist for: Oncogenicity, Teratogenicity, Mutagenicity.
Tetrachlorvinphos (Stirofos®) (Rabbon®) (Gardona®).	0.75	0.1	Oncogenic in rats and mice.
Dichlorovos (DDVP)	0.05	0.05	Oncogenicity data inconclusive. Mutagenic in bacterial systems, drosophila, and plants.
Permethrin	0.05	0.05	Oncogenic (mouse). Evaluation of the weight of toxicology evidence (3 long-term mouse and rat studies plus other information) leads the EPA to conclude that, at dose levels above 250 mg/kg/day for a lifetime, Permethrin exhibits a low oncogenic potential in female mice (lung and liver neoplasms).

Cyromazine is a growth regulator which affects larval development. Cyromazine is premixed with poultry feed at the rate of 1 lb of 0.3 percent Larvadex® per ton (1.5 ppm) of feed for house fly control or 3.3 lbs of Larvadex® per ton (5.0 ppm) to control *Fannia* spp. Other flies controlled include *Ophyra* spp. and soldier flies. Larvadex® is selective, having a primary affect on muscoid flies and soldier flies and little if any on other beneficial organisms found in manure. Unlike conventional insecticides for fly control, Larvadex®:

1. Is premixed at the feed mill;
2. Requires no pesticide storage on site;
3. Requires no specialized application equipment;
4. Eliminates regular labor costs needed to apply conventional insecticides;
5. Provides less chance of errors in complying with label directions with one food additive treatment versus multiple applications of space/residual/bait and/or manure treatments on a variable schedule;
6. Does not disturb poultry;
7. Has shown no reduction of effectiveness due to resistance factors to date (despite the uniqueness of cyromazine there is no reason to believe that resistance to it cannot be developed. In fact, tests now underway in Indiana are aimed at determining

whether flies have developed a tolerance to it already);

8. Provides about 95 percent control, while conventional insecticides provide varying levels of control, rarely better than the 90-percent level;

9. Has little or no effect upon predators (except soldier flies) and parasites of flies which build up in manure when Larvadex® is used.

Fly control with cyromazine is predictable, efficient, and can be initiated or cutoff as needed. Effective control begins within 2 or 3 weeks after the introduction of treated feed and may continue after treated feed is withdrawn. Of the pesticides available for controlling flies, cyromazine is the easiest for the egg producer to use. A one-step process of mixing the material with the feed allows for little disruption or inconvenience to the producer's operation. Alternative pesticides used as spray treatments usually require covering water and feed containers and tend to disturb the birds plus involve the time required to actually spray the facilities. Also, the construction of many modern egg production facilities apparently severely limits the ability to apply pesticides directly to the manure held in the pits. Since Larvadex® is a feed-through, this problem is also alleviated.

D. Conclusion Regarding Registration

Based on the data and information reviewed by the Agency on cyromazine and melamine, the Agency will presume for present purposes that the RPAR criteria for oncogenicity (40 CFR 162.11(a)(3)(ii)(A)) have been met. In evaluating the risks and benefits associated with the proposed use of cyromazine, the Agency has determined tentatively that the benefits from the use of cyromazine as a pre-mix feed-through for chicken layer hens to control fly larvae in manure exceed the risks posed by this use for the period of this contitional registration and that this use of cyromazine would be in the public interest.

The Agency is proposing to conditionally register Larvadex® under the authority of FIFRA section 3(c)(7)(C) for use as listed above for a period through December 31, 1985, to allow time for the generation, submission, and Agency review of the data (which are lacking because a period reasonably sufficient for generation of the data has not elapsed since the Agency first imposed the requirements (by this notice)).

The data required by this notice must be submitted to the Agency by the following dates: Product performance studies relevant to the minimum effective dosage, the effective dosage range, and the performance of the product when used in intermittent dosing management programs by February 1, 1985; the residue data derived from the various treatment regimes along with a poultry feeding study to determine whether cyromazine and melamine have plateaued by 28 days in both meat and eggs and how fast the residues decline after the cessation of dosing, by May 1, 1985; and a long-term field dissipation study on melamine by November 1, 1985.

If the applicant or any interested party has any data relating to the issues raised in this notice, such information should be submitted to the Agency within the 30-day comment period.

The Agency specifically requests information on the effectiveness of Larvadex® in controlling the spread of avian flu.

The Agency is proposing to conditionally register Larvadex® at both the high (3.3 lbs. per ton of poultry feed) and low (1.0 lb. per ton of poultry feed) dose levels. Comments are requested on limiting registration to the use of the low dose only as a possible variation.

The limited information available to the Agency on Larvadex® usage indicates that currently most poultrymen primarily use the low dose rate in their poultry operation. It is estimated that less than 10 percent of the poultrymen in the United States use the high dosage rate. One of the reasons for this is the cost of feeding Larvadex® at the higher dose level.

When the Agency receives and evaluates the required additional studies and any public comments, tolerances proposed in the companion documents (PP 2F2707/P343 and FAP 2H5355/P344) appearing elsewhere in this issue of the Federal Register may be reassessed.

The Agency will be further examining the entire feed through issue in the near future.

The Agency has determined that the label must specify:

Note.—Do not feed Larvadex® treated feed to broiler poultry or poultry producing eggs for hatching purposes.

Larvadex® use is restricted to use as a feedthrough in chickens only and may not be fed to any other poultry species.

Manure from animals fed Larvadex® may be used as a soil fertilizer supplement. Do not apply more than 5 tons of manure per acre per year. Do not apply to small grain crops that will be harvested.

The Agency will grant Section 18 emergency exemption requests, not to exceed 90 days (to span the 30-day comment period provided for in this notice) to assist in avian flu, control, or in cases where serious public health risks otherwise might be caused by files from chicken layer houses.

A companion document (PP 2F2707/P343) appearing elsewhere in this issue of the Federal Register proposes the establishment of tolerances for eggs and meat from treated chickens at 0.4 ppm. Another companion document (FAP 2H5355/P344) proposes the establishment of a feed additive regulation for residues of cyromazine in laying hen chicken feed at 5.0 ppm.

IV. Procedural Matters

Comments regarding the proposed registration decision announced in this notice may be submitted to the Agency through May 29, 1984.

Comments may be submitted on all aspects of the Agency's proposed decision to conditionally register cyromazine.

The Agency will consider any significant comments received in response to this Notice as they are received. In addition, all comments received, along with the requested data, will be considered in the future determination regarding the registration of cyromazine under FIFRA section 3(c)(7)(C).

Dated: April 20, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 84-11403 Filed 4-26-84; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2575-3]

Availability of Environmental Impact Statements Filed April 16 Through April 20, 1984, Pursuant to 40 CFR 1506.9

Responsible Agency: Office of Federal Activities, General Information, (202) 382-5073 or (202) 382-5075.

EIS No. 840159, Final, SCS, ND, English Coulee Watershed Protection and Flood Prevention Plan, Grand Forks County, Due: May 28, 1984, Contact: Michael Nethery, (701) 255-4011

EIS No. 840160, DSuppl, COE, AR, LA, Ouachita-Black Rivers Navigation Channel Realignment, Construction, Union and Morehouse Cos., Louisiana, Ashley, Bradley and Union Cos., Arkansas, Due: June 11, 1984, Contact: Richard Makinen, (202) 272-0121

EIS No. 8401161, Final, FAA, TX, Houston Intercontinental Airport, East/West Parallel Runway Construction, Harris County, Due: May 28, 1984, Contact: Stan Lou, (713) 643-0631

EIS No. 8401162, Report, COE, AL, MS, Tennessee-Tombigbee Waterway Continuing Study, Contact: Richard Makinen, (202) 272-0121

EIS No. 840163, Draft, BLM, CO, Piceance Basin Resource Management Plan, Rio Grande County, Due: July 27, 1984, Contact: John Singlaub, (303) 878-3601

EIS No. 840164, Final, COE, HI, Sand Island State Park, Phase II Shore Protection and Recreational Improvements, Oahu County, Due: May 28, 1984, Contact: James Maragos, (808) 438-2264

EIS No. 840165, Draft, COE, FL, Sarasota County Erosion Control and Hurricane Protection Study, Due: June 15, 1984, Contact: Ronnie Tapp, (904) 791-1690

EIS No. 840166, Final, HUD, MI, Superior Technology Research and Development Center, Construction, UDAG/CDBG, Washtenaw County, Due: May 28, 1984, Contact: Carol Hoffman, (517) 373-2262

EIS No. 840167, DSuppl, AFS, UT, Uinte National Forest Land and Resource Management Plan, Utah, Wasatch, Juab and Tooele Counties, Due: June 11, 1984, Contact: Don Nebeker, (801) 377-5780

EIS No. 840168, Draft, HUD, CA, Project Delphi Office/Commercial Development, CDBG, City of South Gate, Los Angeles County, Due: May 28, 1984, Contact: Karen Bell, (213) 567-1331

EIS No. 840169, Draft, BLM, CO, NM, UT, San Juan-San Miguel Planning Area Resource Management Plan, Due: July 28, 1984, Contact: Dave Miller, (303) 247-4082

EIS No. 8401170, Draft, MMS, VA, NC, SC, GA, FL, 1984 South Atlantic States Outer Continental Shell Oil and Gas Lease Sale No. 90, Due: June 20, 1984, Contact: Anthony Ladino, (703) 285-2265

EIS No. 840171, DRevised, FWS, AK, Bristol Bay Region, Cooperative Management Plan, Alaska, Due: June 15, 1984, Contact: John Kurtz, (907) 562-2271

EIS No. 8401172, Final, FHW, NC, US-19 Construction, Andrews Bypass to US 19/NC-28 Intersection, Cherokee, Graham and Swain Counties, Due: May 28, 1984, Contact: Kenneth Bellamy, (919) 755-4346

EIS No. 840173, Draft, FHW, OR, Salmon River Highway, Winding, Fast McMinnville Interchange to Airport Road, Yamill County, Due: June 11, 1984, Contact: Campbell Gilmour, (503) 378-8486

EIS No. 840174, Draft, EPA, OH, Middle East Fork Planning Area Wastewater Treatment Systems, Grant, Clermont County, Due: June 11, 1984, Contact: Harlan Hirt, (312) 353-2315

EIS No. 840175, Final, FHW, CA, I-80 and I-180 Operational Improvements, Bay Bridge Toll Plaza to I-80/I-180 Interchange to Carquinez Bridge, Alameda and Contra Costa Counties, Due: May 28, 1984, Contact: David Eyres, (916) 440-3541

EIS No. 840176, Draft, EPA, VI, Mangrove Legoon/Turpentine Run Wastewater Facilities Plan, Funding, St. Thomas, Due: June 15, 1984, Contact: Edward G. Als, (212) 264-1375

Amended Notices

EIS No. 840143, Final, BLM, CA, Hollister Planning Area, Multiple-Use Resource Management Plan, Implementation, Due: May 15, 1984, Published FR 04/13/84, Review extended

EIS No. 840070, Draft, BLM, WY, North Fork Well, Oil/Gas Exploration/Development/Operations, Permit, Park County, Due: May 1, 1984, Published FR 02/24/84, Review extended

EIS No. 840100, Draft, USAF, NM, Melrose Air Force Bombing Range Expansion, Curry and Roosevelt Cos., Due: June 30, 1984, Published FR 04/06/84, Review extended

EIS No. 840024, Draft, IBR, OH, Gallup-Navajo Indian Water Supply Project, San Juan, McKinley Cos., New Mexico, Apache County, Arizona, San Juan County, Utah, Due: June 24, 1984, Published FR 02/03/84, Review extended.

Dated: April 24, 1984.

Dave Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 84-11455 Filed 4-26-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51512; TSH-FRL 2555-7]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 84-8692 beginning on page 13746 in the issue of Friday, April 6, 1984, make the following correction.

On page 13747, third column, second line of *Toxicity Data* in PMN 84-510, ".1 g/kg" should have read "1 g/kg."

BILLING CODE 1505-01-M

[FRL-2574-51]

State Water Quality Standards; Availability of Updated Listing

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability.

SUMMARY: This notice announces the availability of an updated listing of State water quality standards, dates of adoption by the State and dates of approval by the EPA of the standards or sections thereof pursuant to the Water Quality Standard Regulation (40 CFR Part 131, Subpart C, § 131.21). Copies of this listing may be obtained by written request to the name and address listed below.

FOR FURTHER INFORMATION CONTACT: David K. Sabock, Chief, Criteria Branch (WH-585), Environmental Protection Agency, 401 M Street, SW., Washington, D.C 20460.

SUPPLEMENTARY INFORMATION: This listing of State water quality standards is an update of a listing that was published in the Federal Register on October 28, 1977 (42 FR 58786). The updated listing identifies the State regulatory documentation containing the State water quality standards and the dates of State adoption and EPA approval from 1977 through 1983. Neither the text of the water quality standards nor a description of the adoption action is included in the listing.

The text of a State's standards can be obtained from the State's Pollution Control Agency or the appropriate EPA Regional office. Proprietary publications such as those of the Bureau of National Affairs also contain the text of State standards.

Dated: April 20, 1984.

Henry Longest II,

Assistant Administrator for Water.

[FR Doc. 84-11245 Filed 4-26-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Open Advisory Committee Meeting

Committee Name: Advisory Committee for the ITU World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It.

Time: 23 May 1984, 9:30 a.m. - 1:30 p.m.

Place: Room 856, 1919 M Street, NW., Washington DC.

Purpose: This is the first meeting of the Committee to organize its activity for the preparation of a written report concerning the first session of the Conference, WARC-ORB-85. That report must be completed by 28 June 1985.

The meeting of the Committee is open, and any member of the public may

present relevant oral or written statements.

Agenda Summary:

1. Approval of the minutes of the previous meeting.

2. Review of current related developments, including the Commission's *Fourth Notice of Inquiry* in its policy making proceeding for the Conference, Docket 80-741.

3. Organization of Committee activity in preparation of its written report concerning the first sesssion of the Conference.

For Further Information: A. M. Rutkowski, Designated Federal Official/Employee, Room 7002, Office of Science and Technology, Federal Communications Commission, Washington DC., 202-653-8102.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-11342 Filed 4-26-84; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-701-DR]

New Jersey; Amendment To Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of New Jersey (FEMA-701-DR), dated April 12, 1984, and related determinations.

DATE: April 20, 1984.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0501.

Notice: The notice of a major disaster for the State of New Jersey dated April 12, 1984, is hereby amended to include the following areas among those areas determine to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 12, 1984:

Cape May and Ocean Counties as adjacent counties for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Samuel W. Speck,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 84-11411 Filed 4-26-84; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL HOME LOAN BANK BOARD

[No. 84-192]

Financial Data Reporting System

Dated: April 24, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

The public is advised that the Federal Home Loan Bank Board has submitted a request for extension through January 1985, without revision, of its information collection request, Monthly Financial Report of Savings and Loan Associations, OMB No. 3068-0017, to the Office of Management and Budget for approval pursuant to 5 CFR 1320.12 pertaining to clearance of information collection requests.

The Board has asked OMB for expedited approval of the collection of information. It also has indicated that it will defer implementation of a portion of an approved sample monthly survey until the end of requested extension period for the existing monthly report. Comments on the proposal should be directed promptly to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, Attention: Desk Officer for the Federal Home Loan Bank Board.

The Board would appreciate commenters sending copies of their comments to the Board.

Requests for copies of the proposed information collection request and supporting documentation are obtainable at the Board address given below: Director, Information Services Section, Office of Secretariate, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552, Phone: 202-377-6933.

FOR FURTHER INFORMATION CONTACT: Richard C. Pickering, Deputy Director, Office of Policy and Economic Research, Federal Home Loan Bank Board. Phone: 202-377-6700.

Dated: April 24, 1984.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 84-11450 Filed 4-26-84; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public; Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Pub. L. 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Sundance Cruises, Corp.
Johnson Line AB, and
Sundance Cruises, Inc., c/o Johnson Maritime Services, Inc., 70 Pine Street, New York, New York 10270

Dated: April 24, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84-11468 Filed 4-26-84; 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Sundance Cruises, Corp.,
Johnson Line AB, and
Sundance Cruises, Inc., c/o Johnson Maritime Services, Inc., 70 Pine Street, New York, New York 10270

Dated: April 24, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84-11469 Filed 4-26-84; 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Crown Cruise Line Ltd.
Crown Cruise Line S.A.
Crown Cruise Line Inc., c/o Grundstad Maritime Overseas, Inc., P.O. Box 4009, Boca Raton, Florida 33429

Dated: April 24, 1984.

Francis C. Hurney,
Secretary.

[FR Doc. 84-11490 Filed 4-26-84; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

UST Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for procesing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writting to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 21, 1984.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *UST Corp.*, Boston, Massachusetts; to acquire at least 51 percent of the voting shares of Natick Trust Company, Natick, Massachusetts.

B. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *FNB Rochester Corp.*, Rochester, New York; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Rochester, Rochester, New York.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Canadian Commercial Bank*, Edmonton, Alberta, Canada; to acquire 61 percent of the voting shares of Westlands Diversified bancorp, Inc., Santa Ana, California, thereby indirectly acquiring Westlands bank, Santa Ana, California. Comments on this application must be received not later than May 18, 1984.

Board of Governors of the Federal Reserve System, April 23, 1984.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84-11365 Filed 4-26-84; 8:45 am]
BILLING CODE 6210-01-M

Dominion Bankshares Corp., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 18, 1984.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Virginia 23261:

1. *Dominion Bankshares Corporation*, Roanoke, Virginia; to engage *de novo* through its subsidiary, Dominion Bankshares Mortgage Corporation, in performing real estate appraisals.

B. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation*, Minneapolis, Minnesota; to engage *de novo*, through its proposed wholly-owned subsidiary, Norwest Advisors, Inc., Minneapolis, Minnesota, in investment and financial advisory services.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Cripple Creek Bancorporation, Inc.*, Cripple Creek, Colorado; to engage in real estate financing, including the origination and servicing of first and second mortgage loans secured by single and multi-family residences and commercial properties, the extension of credit for the construction or remodeling of single and multi-family and commercial structures and the extension of credit for the development of single and multi-family and commercial real estate.

D. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President), 101 Market Street, San Francisco, California 94105:

1. *First Interstate Bancorp*, Los Angeles, California, to extend the geographic area to be served by its subsidiary, First Interstate Mortgage Company, Los Angeles, California, to the entire United States.

2. *First Interstate Bancorp*, Los Angeles, California, to engage *de novo*

in leasing activities including leveraged lease transactions, through its subsidiary, First Interstate Lease Investments Corporation, Pasadena, California, through a joint venture with Avidyne Financial Services Company, Pasadena, California. Comments on this application must be received not later than May 15, 1984.

Board of Governors of the Federal Reserve System, April 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-11362 Filed 4-26-84; 8:45 am]

BILLING CODE 6210-01-M

First Interstate Bancorp; Application To Engage de Novo in Nonbanking Activities

First Interstate Bancorp, Los Angeles, California, has filed an application under § 225.23(a)(3) of the Board's Regulation Y (49 Federal Register 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794), to engage *de novo* through a national bank subsidiary in consumer lending services; trust and advisory services, and deposit-taking, including demand deposits. The proposed subsidiary will not engage in commerical lending transactions as defined in Regulation Y. The activities will be engaged in by the subsidiary bank in Simi Valley, California, serving the entire United States. The Board has determined by order that such activities are closely related to banking. *U.S. Trust Company* (Press Release of March 23, 1984).

The proposed subsidiary is: First Interstate Bancard Company, N.A., Los Angeles, California.

The application is available for immediate inspection at the Federal Reserve Bank of San Francisco. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Although the Board is publishing notice of this application, under established Board policy the record of the application will not be regarded as complete and the Board will not act on the application unless and until a preliminary charter for the proposed national bank subsidiary has been submitted to the Board.

Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Federal Reserve Bank of San Francisco or the offices of the Board of Governors not later than May 21, 1984.

Board of Governors of the Federal Reserve System, April 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-11363 Filed 4-26-84; 8:45 am]

BILLING CODE 6210-01-M

First National State Bancorporation; Application To Engage de Novo in Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(3) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794), to engage *de novo* through a national bank subsidiary in deposit-taking, including the taking of demand deposits, and other activities specified below. The proposed subsidiary will not engage in commercial lending transactions as defined in Regulation Y. The Board has determined by order that such activities are closely related to banking. *U.S. Trust Company* (Press Release of March 23, 1984). Although the Board is publishing notice of this application, under established Board policy the record of the application will not be regarded as complete and the Board will not act on the application unless and until a preliminary charter for the proposed national bank subsidiary has been submitted to the Board.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Federal Reserve Bank or the offices of the Board of Governors not later than May 18, 1984.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *First National State Bancorporation,* Newark, New Jersey, to engage *de novo* through a national bank subsidiary, Fidelity Union Trust Company/First National State, Boca Raton, Florida, in deposit and lending activities traditionally performed by banks for individuals, including, but not necessarily limited to; providing regular, non-interest bearing demand deposit accounts; NOW or Super NOW accounts; money market investment accounts, certificates of deposits; making consumer loans, including secured and unsecured personal loans, homeowners loans, and installment loans; serving the state of Florida.

Board of Governors of the Federal Reserve System, April 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-11364 Filed 4-26-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on April 20.

Public Health Service

Centers for Disease Control

Subject: Application for Training (0920-0017)—Revision
Respondents: Individuals or households
OMB Desk Officer: Fay S. Iudicello

Food and Drug Administration

Subject: Food Labeling: Declaration of Sodium Content of Foods and Label Claims for Foods on the Basis of Sodium Content—New
Respondents: Food processing firms
Subject: "Request for Extension of Comment Period"—Existing Collection
Respondents: Individuals or households; state or local governments; businesses, small businesses or organizations, or other for-profit and not-for-profit institutions; Federal agencies or employees
OMB Desk Officer: Bruce Artim

Health Resources and Services Administration

Subject: Application to Participate in the Health Professions Capitation Program (0935-0006)—Reinstatement
Respondents: Health professions schools
OMB Desk Officer: Fay S. Iudicello

National Institutes of Health

Subject: Case-Control Study of Lung Cancer Among Structural Pest Control Workers—New
Respondents: Individuals; businesses; small businesses
Subject: Case-Control Study of Ewing's Sarcoma—New
Respondents: Individuals; small businesses
OMB Desk Officer: Fay S. Iudicello

Health Care Financing Administration

Subject: Licensure Forms for the Clinical Laboratory Improvement Act (0938-0151)—Extension/no Change
Respondents: Clinical laboratories soliciting or accepting specimens in interstate commerce
Subject: Quarterly Showing (0938-0061)—Reinstatement
Respondents: State Medicaid agencies
OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Acknowledgment of Notice of Hearing (0960-0280)—Revision
Respondents: Social security beneficiaries requesting hearing
Subject: Annual Survey of Refuges (0960-0308)—Reinstatement
Respondents: Southeast Asian refugees
Subject: Application for U.S. Benefits Under the Canada-U.S. International Social Security Agreement (SSA-1294); Understanding Between the United States of America and Quebec on Social Security Application for United States Benefits (SSA-1295)—New
Respondents: Individuals
Subject: Financial Status Report (0960-0275)—Reinstatement
Respondents: States in Work Incentive Demonstration program
Subject: Quarterly Consultations on Refugee Placement—New
Respondents: State governments
Subject: Recipient Fraud in Public Assistance Programs (0960-0299)—Revision
Respondents: State agencies administering Medicaid and Aid for Families with Dependent Children programs
Subject: Student's Statement Regrading School Attendance (0960-0105)—Revision
Respondents: Potential student beneficiaries
Subject: Work Activity Report (Self-Employed Person); Work Activity Report (Employee) (0960-0059)—Revision
Respondents: Selective social security disability applicants and beneficiaries
OMB Desk Officer: Milo Sunderhauf.

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Buliding, Room 3208, Washington, D.C. 20503, Attn: (name of OMB Desk Officer).

Dated: April 24, 1984.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 84-11431 Filed 4-26-84; 8:45 am]
BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[INT DEIS 84-12]

Colorado; Notice of Availability; Draft Piceance Basin Resource Management Plan and Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of Draft Environmental Impact Statement and notice of 12 proposed special management areas for designation in this Draft Resource Management Plan.

SUMMARY: Pursuant to Section 102 (2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a Draft Environmental Impact Statement on the Piceance Basin Resource Management Plan. Identification, consideration, and designation of special management areas are pursuant to the authority in 43 CFR Subpart 1610.

DATE: Comments must be received by July 27, 1984. The public comment period is for 90 days beginning April 27, 1984.

ADDRESS: Comments should be sent to: Piceance Basin RMP Team Leader, Bureau of Land Management, White River Resource Area, Post Office Box 928, Meeker, Colorado 81641.

FOR FURTHER INFORMATION CONTACT: John Singlaub, Team Leader, Bureau of Land Management, White River Resource Area, Post Office Box 928, Meeker, Colorado 81641. Telephone: (303) 878-3601.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management has prepared a Draft Environmental Impact Statement on a Resource Management Plan for the Piceance Basin Planning Area of northwest Colorado. This statement analyzes the environmental and socio-economic impacts of five alternatives to multiple-use management which includes land use planning decisions for a long-term commercial oil shale leasing program. It identifies allowable resource uses, production levels, resource condition goals, program constraints, and general management practices needed to achieve these objectives. It provides a framework to provide the overall multiple-use objectives for management direction in the planning area.

This plan also evaluated and analyzed 12 areas to determine if Special Management Area designation was appropriate, or whether other forms of multiple-use management were more practical. All 12 areas would be designated under the Wildlife Alternative. Deer Gulch, Dudley Bluffs and South Catherdral Bluffs would be designated under the Oil and Gas Alternative. Soldier Creek, with boundary adjustments, would be designated in the Preferred Alternative.

It is recommended that commenters review the pertainent sections and detailed information included in the Resource Management Plan

Enviromental Impact Statement before developing and submitting comments. Additional inventory data upon which Special Management Areas were considered are available for review at the White River Resource Area Office.

General information provided in this notice for the 12 Special Management Areas includes: title, proposed designation, acreage, location, resource values and resource limitations. The category of plant species is listed under resource values. A candidate species is one undergoing a status review for possible Federal listing as threatened or endangered; sensitive is a Colorado BLM designation indicating a rare species or species whose numbers are declining.

Site Name: Deer Gulch

Designation, Acreage, Location

Area of Critical Environmental Concern—956 acres: Research Natural Area—1,171 acres; and No Surface Occupancy—1,508 acres in Township 3 South, Range 94 West, Sections 19, 29–32, Township 3 South, Range 95 West, Sections 24, 25, 26, and Township 4 South, Range 94 West, sections 5 and 6 of the 6th P.M.

Resource Values

This site contains populations of *Festuca dasyclada* (candidate), *Aquilegia barnebyi* (sensitive), *Astragalus lutosus* (candidate) and four remnant vegetation association types. It also contains a relatively undisturbed perennial stream system flowing through the Green River Formation.

Resource Use Limitations

Nine oil and gas leases not held by unit production would be evaluated upon expiration for reissuance with no surface occupancy stipulations or not reissued at all. Oil shale leasing would be excluded. Harvest of forestry products would not occur, livestock grazing would be eliminated in certain areas, and utility corridor use would be restricted.

Site Name: Dudley Bluffs

Designation, Acreage, Location

Research Natural Area—1,603 acres in Township 1 South, Range 97 West, Section 33 and Township 2 South, Range 97 West, sections 3, 4, 9, 10, 15, 16, 22 and 23 of the 6th P.M.

Resource Values

This site contains populations of *Physaria obcordata* (candidate), *Astragalus lutosus* (candidate), and three remnant vegetation association types.

Resource Use Limitations

This site is within an oil and gas unit with eight leases held indefinitely by production. Application of no surface occupancy stipulations would be attempted on existing leases. Harvest of timber products, livestock grazing, and oil shale leasing would not be permitted. Utility corridor use would be restricted.

Site Name: King Gulch

Designation, Acreage, Location

Area of Critical Environmental Concern—132 acres in Township 3 South, Range 95 West, Sections 7, 8, 17, and 18 of the 6th P.M.

Resource Values

This site contains one population each of *Festuca dasyclada* (candidate) and *Astragalus lutosus* (candidate), and two remnant vegetation association types.

Resource Use Limitations

This site is within the Piceance Creek oil and gas unit where leases are held indefinitely by production. Application of no surface occupancy stipulations would be attempted on these leases. Oil shale leasing and livestock grazing would be excluded.

Site Name: Lower Greasewood Creek

Designation, Acreage, Location

Area of Critical Enironmental Concern—203 acres in Township 2 North, Range 98 West, Sections 16, 17 and 232 of the 6th P.M.

Resource Values

This site contains three populations of *Gilia stenothyrsa* (sensitive) and one remnant vegetation association type.

Resource Use Limitations

The three oil and gas leases present are within the Blair Mesa Unit and are held indefinitely by production. Application of no surface occupancy stipulations would be attempted on these leases. This site is also within an oil shale mining claim, the validity of which is undetermined. Forest product sales would be excluded.

Site Name: Lower Hay Gulch

Designation, Acreage, Location

Area of Critical Environmental Concern—142 acres in Township 1 South, Range 96 West, Section 12 and Township 1 South, Range 97 West, Section 7 of the 6th P.M.

Resource Values

This site contains one population of *Astragalus lutosus* (candidate) and two remnant vegetation association types.

Resource Use Limitations

The portion of this site containing resource values is within the Duck Creek Unit where oil and gas leases are held indefinitely by production. Application of no surface occupancy stipulations would be attempted on these leases. Oil shale leasing, forest product sales, and livestock grazing would be excluded.

Site Name: North Cathedral Bluffs

Designation, Acreage, Location

Area of Critical Environmental Concern—7,479 acres, Research Natural Area—571 acres, Outstanding Natural Area—682 acres in Township 1 South, Range 100 West, Section 1–12, 14–16, 21–29, and 32–34 of the 6th P.M.

Resource Values

This site contains nine populations of *Aquilegia barnebyi* (sensitive) and four remnant vegetation association types. The southwestern portion has outstanding scenic values.

Resource Use Limitations

No surface occupancy stipulations for the Research Natural Area and Outstanding Natural Area would be attempted on the oil and gas leases held indefinitely for production. Oil shale leasing would be excluded from these two areas also. A portion of this site is within several oil shale mining claims. Livestock grazing and harvest of forest products would be excluded from the Research Natural Area. Roads in the Outstanding Natural Area would be closed. Utility corridor use would be restricted.

Site Name: School Gulch

Designation, Acreage, Location

Area of Critical Environmental Concern—320 acres in Township 2 North, Range 100 West, Sections 1, 11, 12, 14, 23, and 24 of the 6th P.M.

Resource Values

This site contains two populations of *Astragalus detritalis* (sensitive) and one remnant vegetation association type.

Resource Use Limitations

The six oil and gas leases not held by production would be evaluated upon expiration for reissuance with no surface occupancy stipulations or not reissued at all. Oil shale leasing and harvest of forest products would not be allowed.

Site Name: Soldier Creek

Designation, Acreage, Location (Widlife Alternative)

Area of Critical Environmental Concern—3,109 acres in Township 4 South, Range 100 West, Sections 2, 10–15, 22–24, and 26–28 of the 6th P.M.

Designation, Acreage, Location (Preferred Alternative)

Area of Critical Environmental Concern—160 acres in Township 4 South, Range 100 West, Sections 10, 11 and 14 of the 6th P.M.

Resource Values

This site contains populations of *Sullivantia purpusii* (sensitive), *Aquilegia barnebyi* (sensitive), *Thalictrum heliophilum* (candidate), *Astragalus lutosus* (candidate) and one remnant vegetation association type.

Resource Use Limitations (Wildlife Alternative)

This site would be managed to prevent degradation of this watershed and quality of aquatic habitats present. Herbicide use and harvest of forest products would be prohibited. Oil and gas activities would be restricted.

Resource Use Limitations (Preferred Alternative)

Resource activities would be restricted which would impact watershed conditions including water quality and quantity.

Site Name: South Cathedral Bluffs

Designation, Acreage, Location

Research Natural Area—439 acres in Township 3 South, Range 99 West, Sections 19 and 20, and Township 3 South, Range 100 West, Sections 11–14, and 24 of the 6th P.M.

Resource Values

This site contains populations of *Thalictrum heliophilum* (candidate), *Lesquerella parviflora* (candidate), *Gentianella tortuosa* (sentitive), *Aquilegia barnebyi* (sentitive), *Astragalus lutosus* (candidate) and one remnant vegetation association type.

Resource Use Limitations

The twelve oil and gas leases not held by unit production would be evaluated upon expiration for reissuance with no surface occupancy stipulations or not reissued at all. Oil shale leasing and livestock grazing would be excluded. The southern portion of the site is covered with oil shale mining claims. Utility corridor use would be restricted.

Site Name: Spring Gulch

Designation, Acreage, Location

Area of Critical Environmental Concern—1,913 acres and Research Natural Area—859 acres in Township 2 North, Range 99 West, Sections 7–10, 16–18, and 20 of the 6th P.M.

Resources Values

This site contains one population of *Aquilegia barnebyi* (senstitive) and three remnant vegetation association types.

Resource Use Limitations

Nine oil and gas leases not held by unit production would be evaluated upon expiration for reissuance with no surface occupancy stipulations or not reissued at all. Oil shale leasing, harvest of forest products, and livestock grazing would be excluded.

Site Name: Upper Greasewood Creek

Designation, Acreage, Location

Research Natural Area—2,435 acres in Township 1 North, Range 99 West, Sections 3, 4, 9 and 10, and Township 2 North, Range 99 West, Sections 27–29, 31, 33, and 34 of the 6th P.M.

Resource Values

This site contains four remnant vegetation association types.

Resource Use Limitations

Six oil and gas leases not held by unit production would be evaluated upon expiration for reissuance with no surface occupancy stipulation or not reissued at all. Oil shale leasing, harvest of forest products, and livestock grazing would be excluded. Selected roads would be closed.

Site Name: Yanks Gulch

Designation, Acreage, Locations

Area of Critical Environmental Concern—250 acres and No Surface Occupancy—207 acres in Township 1 North, Range 99 West, Sections 6 and 7; Township 1 North, Range 100 West, Sections 1 and 12; Township 2 North, Range 99 West, Section 31; and Township 2 North, Range 100 West, Section 36 of the 6th P.M.

Resource Values

This site contains populations of *Physaria obcordata* (candidate), *Aquilegia barnebyi* (sensitive), and *Astragalus lutosus* (candidate). It also consists of waterfall plunge pool complexes and unimpacted upper streams.

Resource Use Limitations

This site would be excluded from oil shale leasing. The four oil and gas leases not held by unit production would be evaluated upon expiration for reissuance with no surface occupancy stipulations or not reissued at all.

Availability

Single copies of this Draft Resource Management Plan and Environmental Impact Statement may be obtained from the address listed previously, or from:

Bureau of Land Management, Craig District Office, 455 Emerson Street, Craig, Colorado 81625

Bureau of Land Management, Colorado State Office, 1037 20th Street, Denver, Colorado 80202

Public meetings to receive oral and/or written comments on this project will be held at 7:00 p.m. at the following locations:

May 15, 1984: Meeker, Colorado—White River Resource Area Office, 73544 Highway 64, Conference Room

May 17, 1984: Grand Junction, Colorado—Ramada Inn, 718 Horizon Dive, Bookcliff Room

May 22, 1984: Lakewood, Colorado—Ramada Inn Foothills, 11595 West 6th Avenue, Winchester Conference Room

May 24, 1984: Glenwood Springs, Colorado—Holiday Inn, 51359 U.S. Highway 6 & 24, Ranchers Room

A time limit may be placed on oral comments depending on the number of people who wish to make a statement. Oral comments should be accompanied by a written synopsis of the pressentation.

Dated: April 5, 1984.

Bob Moore,

Acting State Director.

[FR Doc. 84-9613 Filed 4-26-84; 8:45 am]

BILLING CODE 4310-JB-M

[OR-36615 A & B]

Oregon; Conveyance

Notice is hereby given that, pursuant to Section 203 of the Act of October 21, 1976 (90 Stat. 2743, 2750; 43 U.S.C. 1701, 1713), the following described public land in Gilliam County, was purchased by modified competitive sale and conveyed to the parties shown: Mr. & Mrs. Gordon Moore, 13535 S.W. 121st Avenue, Tigard, Oregon 97223.

Willamette Meridian, Oregon

T. 1 S., R. 19 E.,
Sec. 29, NE¼NW¼;
Sec. 32, SE¼NE¼.

The purpose of this Notice is to inform the public and interested State and local governmental officials of the issuance of the conveyance document to Mr. & Mrs. Moore.

Dated: April 17, 1984.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-11373 Filed 4-23-84; 8:45 am]

BILLING CODE 4310-33-M

[OR-36615-D]

Oregon; Conveyance

Notice is hereby given that, pursuant to Section 203 of the Act of October 21, 1976 (90 Stat. 2743, 2750; 43 U.S.C. 1701, 1713), the following described public land in Gilliam County, was purchased by modified competitive sale and conveyed to the party shown: J. Z. Weimar, Star Route, Arlington, OR 97812.

Willamette Meridian, Oregon

T. 1 S., R. 21 E.,
Sec. 35, NE¼SE¼.

The purpose of this Notice is to inform the public and interested State and local governmental officials of the issuance of the conveyance document to Mr. Weimar.

Dated: April 17, 1984.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-11374 Filed 4-23-84; 8:45 am]

BILLING CODE 4310-33-M

[C-35892]

Disclaimer of Interest to Issue; Colorado

AGENCY: Bureau of Land Management, Colorado State Office, Interior.

ACTION: Notice of Proposed Issuance of Recordable Disclaimer of Interest for Lands in Kiowa County, Colorado.

SUMMARY: Notice is hereby given pursuant to Section 315 of the Act of October 21, 1976 (43 U.S.C. 1745), that Raymond D. Tinsley, c/o Lefferdink and Davis, P.O. Box 110, Lamar, Colorado 81502, has filed application C-35892 for a recordable disclaimer of interest for those lands within the E½ of section 11, T. 18 S., R. 43 W., 6th P.M., Colorado, which are shown on the official plat of survey as being covered by a body of water known as Lake Albert.

The Bureau of Land Management has reviewed the official records and has determined that the United States has no claim to or interest in the above-described lands and that issuing a recordable disclaimer of interest will help to remove a cloud on the title to the lands. Accordingly, the recordable disclaimer of interest will be issued no sooner than ninety days after the date of this publication.

Information concerning the proposed disclaimer may be obtained from the State Director, Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Dated: April 20, 1984.

Robert D. Dinsmore,

Chief, Branch of Lands & Minerals Operations, Colorado State Office.

[FR Doc. 84-11380 Filed 4-26-84; 8:45 am]

BILLING CODE 4310-JB-M

Utah, P.R. Spring Combined Hydrocarbon Lease Conversion; Environmental Impact Statement and Scoping

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an environmental impact statement and conduct mail-out scoping.

SUMMARY: Notice is hereby given that, in accordance with the National Environmental Policy Act of 1969, the Bureau of Land Management will prepare an environmental impact statement (EIS) on the proposed conversion to hydrocarbon leases of existing oil and gas leases within the P.R. Spring and the Hill Creek Special Tar Sand Areas (STSA's) under the Combined Hydrocarbon Leasing Act of 1981. These STSA's are in Uintah and Grand Counties, Utah.

The BLM Division of EIS Services, Denver, Colorado, will assist the Vernal District Office in preparing the P.R. Spring Combined Hydrocarbon Lease Conversion EIS, which will analyze the impacts of the lease conversions and proposed surface mine and in situ developments. This EIS will be tiered to the Utah Combined Hydrocarbon Regional EIS, which analyzes the broader issues related to a combined hydrocarbon leasing program for 11 STSA's in Utah, including the P.R. Spring and the Hill Creek STSA's. The EIS would also be tiered to the Uintah Basin Synfuels Development EIS.

The scoping process, used to determine issues and concerns on the proposed activities will include a mail-out information packet. This packet is being mailed to interested persons, selected in part from mailing lists for the Uintah Basin Synfuels Development EIS, the Utah Combined Hydrocarbon Regional EIS, and the Sunnyside Combined Hydrocarbon Lease Conversion EIS. The scoping packets will be distributed after April 23, 1984. Response and comments will be accepted through May 29, 1984.

Requests for further information and for the scoping packets should be addressed to Robert E. Pizel, Project Leader, Bureau of Land Management, Division of EIS Services, 555 Zang Street, First Floor East, Denver, Colorado 80228. A limited number of packets may also be obtained from:

Bureau of Land Management, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, UT 84111; or

Bureau of Land Management, Vernal District Office, 170 South, 500 East, Vernal, Utah 84078.

Lloyd H. Ferguson,

District Manager.

April 17, 1984.

[FR Doc. 84-11381 Filed 4-26-84; 8:45 am]

BILLING CODE 4310-84-M

[A-18992 2200]

Realty Action; Mineral Exchange; Mohave County, Arizona

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action-exchange, Federal minerals in Mohave County, Arizona.

SUMMARY: The following described federal mineral estate has been determined to be available for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 39 N., R. 4 W.,
Sec. 6.
T. 39 N., R. 5 W.,
Sec. 3;
Sec. 4, lots 1 and 2, S½NE¼, and SE¼;
Sec. 9, NE¼;
Sec's. 11, 14, 15, and 29.
T. 39 N., R. 6 W.,
Sec. 1, S½;
Sec. 3, lots 3 and 4, S½NW¼, and SW¼;
Sec's. 4, 5, and 6;
Sec. 10, W½;
Sec. 12, S½;
Sec. 15, S½;
Sec. 17, S½SE¼;
Sec. 19, lots 2, 3, and 4, S½NE¼; SE¼NW¼, E½SW¼, and SE¼;
Sec. 21, NW¼NW¼;
Sec. 22, N½;
Sec. 28.
T. 40 N., R. 6 W.,
Sec. 4, lots 1 and 2, S½NE¼, and E½SE¼;
Sec. 6, lots 1 to 6, inclusive, S½NE¼, SE¼NW¼, and NE¼SW¼;
Sec. 15, W½;

Sec. 17;
Sec. 22, SW¼NW¼ and N½SW¼;
Sec's. 25 and 26;
Sec. 27, W½;
Sec's. 28 and 29;
Sec. 31, NE¼NW¼ and NW¼NE¼;
Sec. 33;
Sec. 34, W½;
Sec. 35.
T. 40 N., R. 7 W.,
Sec. 24;
Sec. 25.
T. 41 N., R. 5 W.,
Sec. 8, SW¼–NE¼, S½NW¼, SW¼, W½ SE¼, and SE¼SE¼;
Sec. 17, W½NW¼;
Sec. 18, lots 2, 3, and 4, NE¼, and E½W½;
Sec. 20, E½NW¼, SW¼, and W½SE¼;
Sec. 29, SE¼NE¼, W½NE¼, NW¼, and W½SW¼;
Sec. 30, E½ and E½NW¼.
T 41 N., R. 8 W.,
Sec. 1, S½N½, NE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 5, S½;
Sec. 8, W½;
Sec. 11, E½NE¼ and NE¼SE¼;
Sec. 14, E½SE¼;
Sec. 23, E½NE¼, SW¼NE¼, SE¼NW¼, and N½S½;
Sec. 24, S½NW¼, N½SW¼; SE¼SW¼;
Sec. 25, NE¼NW¼.
Comprising 20,561.88 acres, more or less.

In exchange for 19,091.88 acres more or less of the above listed federal mineral estate, the New Mexico and Arizona Land Company offers 19,119.60 acres, more or less, of private-owned mineral estate located in the Black Mountains southwest of Kingman, Arizona.

The purpose of the exchange is to acquire the non-federal mineral estate thereby uniting the public split estates located in Desert Bighorn Sheep habitat in the Black Mountains.

The purpose of this Notice of Realty Action is two-fold. First, this action will provide a response period of forty-five (45) days during which public comments will be accepted. Second, this action as provided in 43 CFR 2201.1(b) shall segregate the federal minerals, as described in this Notice, to the extent that they will not be subject to appropriation under the mining laws, subject to any prior valid rights and excluding the mineral leasing laws. The segregative effect shall terminate either upon publication in the Federal Register of a termination of the segregation or two years from the date of this publication, whichever occurs first. This action is necessary to avoid the occurrence of nuisance mining claims that could encumber the federal minerals while the preparation of an environmental assessment and mineral report are ongoing.

Upon completion of the environmental assessment, a final Notice of Realty Action will be published. The Notice will provide a final description of the federal and private minerals to be transferred, including reservations.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange proposal, including a listing of the offered private mineral estate, may be obtained from the area Manager, Vermillion Resource Area, 196 East Tabernacle, St. George, Utah 84770 or the Area Manager, Kingman Resource Area, 2475 Beverly Avenue, Kingman, Arizona 86401.

For a period of forty-five (45) days, interested parties may submit comments to the District Manager, Arizona Strip District, 196 East Tabernacle, St. George, Utah 84770.

Julian Anderson,
Acting District Manager.
April 17, 1984.

[FR Doc. 84-11371 Filed 4-26-84; 8:45 am]
BILLING CODE 4310-32-M

Salmon District Advisory Council Meeting; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting; correction.

SUMMARY: The notice of meeting published in the Federal Register Thursday, April 12, 1984 on pages 14595 and 14596, incorrectly listed the meeting as being the Salmon District Grazing Advisory Board. The meeting to be held is a meeting of the Salmon District Advisory Council. The dates, times, location, and agenda remain as originally published.

Dated: April 18, 1984.
Kenneth G. Walker,
District Manager.

[FR Doc. 84-11375 Filed 4-26-84; 8:45 am]
BILLING CODE 4310-GG-M

Miles City District Advisory Council and Grazing Advisory Board; Meetings

The notice of the Miles City District Advisory Council and Grazing Advisory Board meetings published April 19, 1984 on page 15639 is hereby changed. The Miles City District Advisory Council meeting will be on May 14–15 rather than May 7–8. The date of the Grazing Advisory Board of May 9–10 and all other information in the original notice remain the same.

Dated: April 20, 1984.
Ray Brubaker,
District Manager.

[FR Doc. 84-11377 Filed 4-26-84; 8:45 am]
BILLING CODE 4310-DN-M

Availability of Draft Steens Mountain Recreation Management Plan and Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Burns District, Oregon: Notification of Draft Steens Mountain Recreation Management Plan Availability and Changes.

SUMMARY: The following changes regarding the availability of the Draft Steens Mountain RMP, the public meeting date, and public comment period have been made since the original notice was published in the Federal Register on March 27, 1984: Vol. 49, No. 60, Page 11722.

(1) The draft document will now be available for public review and comment after May 11, 1984 instead of April 23, 1984.

(2) The public comment period has been extended to 45-days, and all comments will be accepted by the Burns District Office through July 6, 1984.

(3) The public meeting date has been changed from May 10, 1984, to June 7, 1984. The time and location for the meeting is the same as orginally scheduled.

Dated: April 20, 1984.
Joshua L. Warburton,
District Manager.

[FR Doc. 84-11370 Filed 4-26-84; 8:45 am]
BILLING CODE 4310-33-M

Prineville District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780 that a meeting of the Prineville District Advisory Council will be held on May 31, 1984.

The Council will meet in the District conference room at 10:00 a.m. at 185 E. 4th Street, Prineville, OR 97754.

The agenda will consist of a discussion of the upcoming resource management plan/environmental impact statement for the Two Rivers Planning Area located in the north half of the Prineville District.

The public and news media is welcome to attend any segment of the Council meeting. Persons wishing to address the Council either orally or in writing are requested to contact the

District Manager at the above address by May 29, 1984.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within thirty days following the meeting.

Gerald E. Magnuson,

District Manager.

April 19, 1984.

[FR Doc. 84-11379 Filed 4-26-84; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Canon City District, Royal Gorge Resource Area; Intent To Amend the Raton Basin Management Framework Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment to Raton Basin Management Framework Plan and Application of Unsuitability Criteria on 1,969.02 acres of Federal Coal in Las Animas County, Colorado.

SUMMARY: In accordance with 43 CFR 1600 the Bureau of Land Management, Canon City District, Colorado is beginning the process of amending the Raton Basin Management Framework Plan (MFP). The Sundance Coal Company of Trinidad, Colorado, has made application to lease 1,969.02 acres of Federal coal in Las Animas County, Colorado. The purpose of the MFP amendment is to determine if the area is suitable for coal leasing. The effects of designating areas as suitable or unsuitable for coal development will be assessed in the plan amendment/environmental assessment document. Following the determination of areas that are suitable, BLM will analyze the impacts of leasing and development of any suitable areas.

DATE: The scoping period runs for 30 days from the date of this notice. Written concerns must be submitted within this 30-day period.

ADDRESS: Concerns should be addressed to: L. Mac Berta, Area Manager, Royal Gorge Resource Area, Bureau of Land Management, P.O. Box 1470, Canon City, Colorado 81212. Telephone: 303-275-7578.

SUPPLEMENTARY INFORMATION: The geographic area for the Raton Basin MFP coal amendment will be approximately 1,969.02 acres of land with 160 acres of Federal surface and minerals and the remaining 1,809.02 acres private surface with Federal minerals. The lease area is located in Las Animas County, Colorado, within the Royal Gorge Resource Area. The study area lies approximately 2 miles south of Aguilar, Colorado. Following is a legal description of the study area:

Sixth Principal Meridian, Las Animas County, Colorado

T. 31 S., R. 65 W.,
Sec. 1, W½SW¼;
Sec. 2, lots 3 and 4, S½NW¼, S½;
Sec. 3, lots 1 and 2, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 11, N½, SW¼, W½SE¼;
Sec. 12, N½, SE¼;
Sec. 15, N½NE¼.

Planning criteria will involve application of the coal unsuitability criteria (43 CFR 3460). Preliminary information indicates the land has good potential for subsurface mining.

The plan amendment will be prepared through the use of an interdisciplinary team with experience and knowledge in the following areas: Lands, minerals, hydrology, wildlife, recreation, cultural resources, visual resources, vegetation, and economics.

Copies of the amendment and the environmental assessment will be available for review at the Royal Gorge Resource Area Office, 831 Royal Gorge Boulevard, and at the Canon City District Office, 3080 East Main Street, Canon City, Colorado.

Stewart A. Wheeler,

Acting District Manager.

[FR Doc. 84-11382 Filed 4-26-84; 8:45 am]

BILLING CODE 4310-JB-M

[A-17000-Y]

Arizona; Termination of Segregative Effect

April 18, 1984.

1. On December 16, 1982, the State of Arizona filed application to select certain public lands in lieu of school lands that were encumbered by other rights or reservations before the State's title could attach (43 U.S.C. 851-852). Upon filing of the application, the selected lands were segregated from appropriation under the public land laws, including the mining, but not the mineral leasing laws.

On July 22, 1983, the State withdrew its application as to the following described lands:

Gila and Salt River Meridian, Arizona

T. 4 N., R. 19 W.,
Sec. 22, W½NW¼SE¼, W½E½NW¼SE¼;
Sec. 23, part SW¼, S½SE¼;
Sec. 26, part NE¼NW¼, N½NE¼;
Sec. 27, SE¼;
Sec. 34, W½.
T. 9 N., R. 19 W.,
Sec. 1, E½NW¼SW¼, NE¼SW¼.
T. 10 N., R. 19 W.,
Sec. 34, lot 7, S½NE¼SE¼, SE¼SE¼.
T. 16 N., R. 20½ W.,
Sec. 14, part SW¼SW¼SW¼;
Sec. 15, part S½S½S½;
Sec. 22, part N½N½N½N½N½, S½N½NE¼NE¼NE¼, S½NE¼NE¼NE¼;
Sec. 23, part NW¼NW¼NW¼.
T. 3 N., R. 22 W.,
Sec. 21, SE¼SW¼;
Sec. 22, lot 8.

The area described aggregate approximately 1,165 acres in La Paz and Mohave Counties.

2. Subject to all valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 were opened to the operation of the public land laws including the mining laws (Ch. 2, Title 30 United States Code) on July 22, 1983.

Appropriation of lands under the general mining laws between December 16, 1982 and July 22, 1983 was unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, vested no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determination in local courts.

3. The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073, (602-261-4774).

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-11369 Filed 4-26-84; 8:45 am]

BILLING CODE 4310-32-M

[A 4184, A 5882]

Arizona; Termination of Classifications of Public Lands for Transfer Out of Federal Ownership

April 16, 1984.

1. Pursuant to the authority delegated by BLM Manual, Section 1203, Delegation of Authority (48 FR 85), I hereby terminate the Bureau of Land Management Classification of Public Lands for Transfer Out of Federal Ownership (A 4184) dated December 2, 1969, and published in the Federal Register December 9, 1969, Vol. 34, page 19473 and Classification of Public Lands

for Transfer Out of Federal Ownership (A 5882) dated December 4, 1970, and published in the Federal Register December 11, 1970, Vol. 35, page 18883, for the following described lands:

Gila and Salt River Meridian, Arizona

(A 4184)

T. 17 N., R. 8 W.,
Sec. 19, lots 1, 2, 3, 4, 5, SE¼SW¼ and S½SE¼;
Sec. 20, lots 1, 2, 3, 4, S½S½;
Sec. 21, lots 1, 2, 3, 4, S½;
Sec. 22, lots 1, 2, 3, 4, S½;
Sec. 23, lots 1, 2, 3, 4, S½;
Sec. 24, lots 1, 2, 3, 4, S½S½;
Secs. 25 through 36.

The area described contains 9,656.89 acres in Yavapai County.

(A 5882)

T. 13 N., R. 19 W.,
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 10;
Sec. 11, S½;
Sec. 12, S½;
Sec. 13, 14, 15; sections, 22 to 26, inclusive;
Sec. 36.
T. 14 N., R. 19 W.,
Sec. 19, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 20;
Sec. 27, W½;
Sec. 28;
Sec. 29, N½ and SE¼;
Sec. 30, lots 1 and 2, E½NW¼ and NE¼;
Sec. 34, W½.
T. 14 N., R. 20 W.,
Secs. 22, 23, and 24;
Sec. 25, N½;
Sec. 26, N½NE¼, N½NW¼, N½SW¼NW¼, SW¼SW¼NW¼, N½SE¼SW¼NW¼, W½SW¼SE¼SW¼NW¼, and NW¼SE¼NW¼;
Sec. 27, NW¼.

The lands described above contain 14,281.45 acres in Mohave County.

2. At 10:00 a.m. on May 21, 1984, the lands described in paragraph No. 1 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, classifications, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m. on May 21, 1984, shall be considered simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10:00 a.m. on May 21, 1984, the public lands described in paragraph 1 will be open to operation of the United States mining laws and the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, classifications and the requirements of applicable law. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determination in local courts.

Mairo L. Lopez,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-11372 Filed 4-26-84; 8:45 am]
BILLING CODE 4310-32-M

[W-80965, W-80966]

Wyoming; Proposed Continuation of Withdrawal

April 17, 1984.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that a 32,339.65-acre withdrawal for the Colorado River Storage Project, Flaming Gorge Unit, continue for an additional 100 years. The lands remain closed to surface entry and mining but have been and will remain open to mineral leasing.

DATE: Comments and requests for a public meeting should be received July 26, 1984.

ADDRESS: Chief, Branch of Land Resources, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82003.

FOR FURTHER INFORMATION CONTACT: Scott Gilmer, Wyoming State Office, 307-772-2089.

The Bureau of Reclamation proposes that the existing withdrawals made by the Executive Order of May 14, 1915, and Public Land Order No. 2674 of May 11, 1962, be continued for a period of 100 years pursuant to Section 204 of the Federal Land Policy Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

Sixth Principal Meridian, Wyoming

T. 17 N., R. 106 W.,
Sec. 4, SW¼SW¼SW¼;
Sec. 6, lots 9, 10, 13, 14, 17, 18, 21, 22, 23, and 24;
Sec. 8, W½ of lot 3, and lot 4;
Sec. 20, lots 1, 2, N½ of lot 3, lots 4, and 5;
Sec. 30, lots 5, 6, E½ of lot 7, lots 9 to 13 inclusive, lots 16, 17, and NE¼NE¼;
Sec. 32, W½NW¼SW¼.
T. 12 N., R. 107 W.,
Sec. 19, lot 6.
T. 13 N., R. 107 W.,
Sec. 7, lots 1, 2, 3, and 4;
Sec. 18, lots 1, 2, 3, and 4;
Sec. 19, lots 1, 2, 3, NE¼, and E½NW¼;
Sec. 30, lots 3, 4, and E½SW¼.
T. 14 N., R. 107 W.,
Sec. 31, lots 1, 2, 3, and E½NW¼.
T. 15 N., R. 107 W.,
Sec. 8, NE¼NE¼, and E½NW¼NE¼.
T. 16 N., R. 107 W.,
Sec. 10, lots 1 to 7 inclusive;
Sec. 14, lots 1 to 6 inclusive, W½NE¼, and NE¼NW¼;
Sec. 22, lots 1 to 8 inclusive, N½NE¼, NE¼NW¼, and SE¼SE¼;
Sec. 32, lots 1 to 8 inclusive, and SE¼NE¼;
Sec. 34, lots 1, 2, 3, N½NW¼NE¼, SW¼NW¼NE¼, SE¼NW¼, and N½NW¼SW¼.
T. 17 N., R. 107 W.,
Sec. 24, SE¼NE¼, and NE¼SE¼.
T. 12 N., R. 108 W.,
Sec. 2, lots 6 to 16 inclusive, S½NE¼, SE¼NW¼, and N½SE¼;
Sec. 3, lots 5 to 9 inclusive, W½NE¼, NW¼, N½SW¼, and NW¼SE¼;
Sec. 4, N½;
Sec. 10, lots 1, 2, 3, SE¼NE¼, S½SW¼, and N½SE¼;
Sec. 11;
Sec. 13, SW¼, NW¼SE¼, and S½SE¼;
Sec. 14, lot 1, NW¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 15, lots 1 to 10 inclusive, SE¼NE¼, SW¼NW¼, and SW¼;
Sec. 20, SE¼;
Sec. 21, E½, S½NW¼, and SW¼;
Sec. 22, lots 5 to 14 inclusive, and N½NW¼;
Sec. 23;
Sec. 24, N½N½, and SW¼.
T. 13 N., R. 108 W.,
Sec. 1, SW¼, NE¼SE¼, and S½SE¼;
Sec. 2;
Sec. 3, lots 1, 2, 3, 4, S½N½, E½SW¼ and SE¼;
Sec. 10, NW¼NE¼, and NW¼;
Sec. 11, lots 1 to 5 inclusive, NW¼, NE¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 12, lots 1 to 7 inclusive, NE¼, N½NW¼, and SW¼SW¼;
Sec. 13, lots 1, 4, 5, 6, 7, 8, N½NW¼, SW¼NW¼NW¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 14, N½NE¼, S½N½, and S½;
Sec. 15, SE¼NE¼, and NE¼SE¼;
Sec. 21, E½SE¼;
Sec. 22, E½NE¼, and S½;
Sec. 23, lots 1, 2, 5, 6, NW¼NE¼, NW¼ W½SW¼, and SE¼SE¼;
Sec. 24, lot 2, NE¼, SE¼NW¼, and S½;
Sec. 25, lots 1, 4 to 9 inclusive, N½N½, SE¼NE¼, SW¼SW¼, and SE¼SE¼;
Sec. 26, lots 2, 3, 4, 5, 7, 8, 9, 10, W½W½ SE¼SW¼, and S½SE¼;
Sec. 27, N½ NE¼SW¼, and SE¼;
Sec. 28, SE¼NE¼;
Sec. 33, SE¼NE¼, and S½;
Sec. 34 and 35
T. 14 N., R. 108 W.,
Sec. 1, lot 5, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 2, lots 4 to 8 inclusive, S½NW¼, NE¼SW¼, W½SW¼, and N½SE¼;

Sec. 3 and 4;
Sec. 5, lots 1, 2, 3, 5, 6, 7, E½ of lot 8, S½NE¼, E½SE¼NW¼, and E½NE¼SW¼;
Sec. 8, lots 1, 2, 3, SE¼NE¼, NE¼NW¼, NE¼SE¼, and S½SE¼;
Sec. 9 and 10;
Sec. 11, lots 1 to 5 inclusive, and SW¼;
Sec. 12, lots 1, 4, 5, 8, 9, and S½NE¼;
Sec. 13, lots 1, 2, 4, 5, W½NE¼, SE¼NE¼, SE¼NW¼, E½SW¼, NW¼SE¼, and S½SE¼;
Sec. 14, lots 3, 4, N½NW¼, and SE¼SW¼;
Sec. 15, E½, E½W½, and NW¼NW¼;
Sec. 17, NE¼NE¼;
Sec. 22, W½NE¼, E½NW¼, SW¼, NW¼SE¼, and S½SE¼;
Sec. 23, lot 1, SW¼NE¼, SW¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 24, lots 2, 3, 4, 8, W½NE¼, E½NW¼, ans SE¼;
Sec. 25, lots 1, 5, 6, and 7;
Sec. 26, lots 3 to 8 inclusive, and N½;
Sec. 27, N½NE¼, SE¼NE¼, NE¼NW¼, E½SW¼, and SE¼;
Sec. 34, N½NE¼, SE¼NE¼, S½SW¼, and SE¼;
Sec. 35, lots 1 to 8 inclusive, and NE¼.
T. 15 N., R. 108 W.,
Sec. 2, lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 4, lot 1, S½NE¼, NE¼SW¼, and N½SE¼;
Sec. 12, lots 1 to 8 inclusive, S½NE¼, SW¼SW¼, and NE¼SE¼;
Sec. 14, S½S½, and NE¼SE¼;
Sec. 22, lots 1, 2, NE¼NE¼, S½NW¼, and SW¼SW¼;
Sec. 24, lots 2, 3, 4, SE¼NW¼, and NW¼SW¼;
Sec. 26, lots 1, 3, 4, 5, W½NW¼, and SW¼SW¼;
Sec. 27, lot 7, and SE¼SW¼;
Sec. 28, lots 1, 2, NE¼, S½SW¼, NE¼SE¼, and SW¼SE¼;
Sec. 29, SW¼, and S½SE¼
Sec. 32, E½, E½W½SW¼NW¼, and W½SW¼;
Sec. 33, lots 1, 2, 4, and W½;
Sec. 34, lots 1, 2, 3, N½, E½SW¼, and W½SE¼.
T. 16 N., R. 108 W.,
Sec. 6, lot 3, S½NE¼, SE¼NW¼, NE¼SW¼, and SE¼;
Sec. 8, SW¼, and W½SE¼;
Sec. 18, lot 1, and NE¼NW¼;
Sec. 20, NE¼, and N½SE¼;
Sec. 22, W½NE¼, N½NW¼, SE¼NW¼, and SW¼;
Sec. 26, W½W½ and SE¼SW¼;
Sec. 28, E½E½;
Sec. 34, E½ and E½W½.
T. 17 N., R. 108 W.,
Sec. 32, W½NE¼, SE¼NE¼, E½NW¼, SW¼NW¼, SE¼SW¼, and SE¼.
T. 12 N., R. 109 W.,
Sec. 23, lot 10;
Sec. 24, lot 6, 7, and 8.

The area described contains 32,339.65 acres in Sweetwater County, Wyomong.

The purpose of the withdrawal is to protect the Colorado River Storage Project, Flaming Gorge Unit. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Land Resources, in the Wyoming State Office.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal continuation. All interested persons who desire a public meeting for the purpose of being heard must submit a written request to the Chief, Branch of Land Resources, within 90 days from the date of publication of this notice. If the authorized officer determines that a public meeting will be held, a notice of the time and place will be published in the Federal Register at least 30 days before the scheduled date of the meeting.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

Gerald L. Jessen,

Acting State Director, Wyoming.

[FR Doc. 84-11370 Filed 4-25-84; 8:45 am]
BILLING CODE 4310-22-M

[AA-6660-B]

Alaska Native Claims Selection; Paug-Vik Inc., Ltd.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613 (1976)) (ANCSA), will be issued to Paug-Vik Incorporated, Limited, for approximately 398 acres. The lands involved are within the Seward Meridian, Alaska:

T. 17 S., R. 45 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in THE ANCHORAGE DAILY NEWS upon issuance of the decision. For information on how to obtain copies, conact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised.

In an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until May 29, 1984 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 14, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Federal Aviation Administration, Alaska Region, 701 C Street, Box 13, Anchorage, Alaska 99513.
Title Administration, Division of Technical Services, Alaska

Department of Natural Resources, Pouch 7035, Anchorage, Alaska 99510-7035

Paug-Vik Incorporated, Limited, P.O. Box 61, Naknek, Alaska 99633

Bristol Bay Native Corporation, P.O. Box 198, Dillingham, Alaska 99576.

Barbara A. Lange,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-11430 Filed 4-26-84; 8:45 am]

BILLING CODE 4310-JA-M

Bureau of Reclamation

Spring Canyon Pumped Storage Project, Arizona, and Solar/Hydro Integration Project, Arizona-Nevada; Solicitation of Non-Federal Participation in Proposed Planning Investigations

In accordance with current Administration policy, the Department of the Interior, Bureau of Reclamation, is inviting non-Federal agencies and organizations to indicate interest in cost-sharing as partners in planning studies on potential power development in the Lower Colorado River Basin. Non-Federal entities are encouraged to indicate interest in any portion of the resources. Two investigations are presently being considered for future planning activities contingent upon non-Federal cost sharing (a goal of 50 percent) and the Administration's Federal budget process which will be finalized for fiscal year 1986 in January 1985; the Spring Canyon Pumped Storage Project, Nevada, and the Solar/Hydro Integration Project, Arizona-Nevada.

The 3-year Spring Canyon Pumped Storage Project investigation would examine the feasbility of developing a pumped storage powerplant generally within the concept described in a special report completed in 1982 (copies available upon request). These preliminary studies indicated potential at a site in Mohave County, Arizona, off stream of Lake Mead to provide from 1,000 to 4,000 megawatts (MW) of new generating capacity to meet peaking power needs. Project features could include a dam and upper reservoir with maximum capacity of about 200,000 acre-feet, an underground powerhouse, and transmission lines to be built within existing transmission line corrdiors. The rated reservoir head would be about 750 feet with Lake Mead serving as the lower reservoir. Development could be comleted in 1,000-MW stages. Project investigation costs are estimated at $1,500,000. Planning and construction could be comleted by the late 1990's.

The 3½-year investigation of the Solar/Hydro Integration Project would evaluate in detail the merits of a central received solar powerplant south of Yuma, Arizona, or on Mormon Mesa near Overton, Nevada. A preliminary report completed in 1980 jointly with the Department of Energy (copies available upon request) indicated that a solar/hydro integration plan could be studied in detail. Preliminary evaluations indicated that a 100 MW alternative could produce over 375,000 megawatthours of new energy annually. The Federal hydroelectric system on the lower Colorado River offers storage potential that could be used for integration of solar and hydroelectric powerplants. Such a project could produce environmentally clean energy, assist in commercialization of solar technology, and expedite the Nation's long-term development of renewable and nonpolluting resources to reduce dependence on foreign oil. Project investigation costs are estimated at $1 million.

A partnership of Federal and non-Federal interests in both the planning and construction phases of water and energy projects is a central theme in Federal policy on resource development. Study participation may consist of inkind services and/or funding by the non-Federal partner. Study participants would have first right of refusal to cost share in construction.

Letters of Interest in participating in planning investigations for these proposed projects are invited and should be sent by May 24, 1984, to: Regional Director, Lower Colorado Regional Office, Bureau of Reclamation, Attention: Code LC-600, P.O. Box 427, Boulder City, Nevada 89005.

Please contact Don Esgar, telephone (702) 293-8106 or FTS 598-7106 at the same address for additional information concerning these two energy investigations.

Dated: April 23, 1984.

Robert A. Olson,

Commissioner.

[FR Doc. 84-11453 Filed 4-26-84; 8:45 am]

BILLING CODE 4310-09-M

Fish And Wildlife Service

Endangered Species Permits Issued for the Months of January, February, March 1984

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications duly received according to section 10 of the Endangered Species Act of 1973, as amended, 16 U.S.C. 1539. Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973, as amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, Box 3654, Arlington, VA 22203, telephone (703/235-1903) or by appearing in person at the Federal Wildlife Permit Office. 1000 N. Glebe Road, Room 605, Arlington, VA, between the hours of 9:00 a.m. and 3:00 p.m. weekdays.

January 1984

Florida State Museum—X11264, Jan 6
Cleveland Metropark Zoo—X583945, Jan 24
National Zoological Park—X11212, Jan 26

February 1984

White Oak Plantation—X586947, Feb 3
Milwaukee County Zoo—X11238, Feb 8
James C. Gillingham—X584109, Feb 13
Rolf Bergt—X584429, Feb 13
Dept. of Natural Resources—X107528, Feb 13
Sherwood Costen—X584306, Feb 17

March 1984

National Zoological Park—X11321, Mar 1
Memphis Zoological Garden & Aquarium—X584360, Mar 2
National Zoological Park—X11118, Mar 5
Dallas Zoo—X584253, Mar 5
Gladys Porter Zoo—X584012, Mar 14
White Oak Plantation—X586937, Mar 14
New York Zoological Society—X11312, Mar 20
Salisbury Zoological Park—X584293, Mar 20
USFWS—Caribbean Islands—National Wildlife Refuges—X11136, Mar 22
John Chason Grey—X116987, Mar 23
George Tankersley—X147556, Mar 26
Regional Director—Region 7-X4046, Mar 27
Zoological Society of San Diego—X591775, Mar 27
Northland Wildlife—X583849, Mar 27
Louis Paul Rochester—X11062, Mar 27
7 Oaks Game Farm—X586721, Mar 27
International Animal Exchange—X11185, Mar 30

Date: April 23, 1984.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 84-11288 Filed 4-26-84; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the

Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et. seq.).*

Applicant: Maebelle R. Perrone, Elizabeth, PA—App. No. 152378.

The applicant requests a permit to purchase in interstate commerce 12 masked bobwhite quail (*Colinus virginianus ridgwayi)* captive born at 7 Oaks Game Farm, Wilmington, NC for enhancement of propagation.

Applicant: Sonny E. Bone, Trinity, AL—App. No. 1550AA.

The applicant requests a permit to purchase in interstate commerce 12 masked bobwhite quail (*Colinus virginianus ridgwayi)* captive born at 7 Oaks Game Farm, Wilmington, NC for enhancement of propagation.

Applicant: California Living Museum, Bakersfield, CA—App. No. 560357.

The applicant requests a permit to rehabilitate 3 San Joaquin kit foxes (*Vulpes macrotis nutica)* for enhancement of survival.

Applicant: Department of Agriculture, Division of Aquatic & Wildlife Resources, Agana, Guam—PRT.2-11325.

The applicant requests a permit to take, band, test for disease, breed and reintroduce into the wild, Guam rails (*Rallus owstoni),* for scientific research purposes or enhancement of propagrtion or survival.

Applicant: Dr. Richard Highton, University of Maryland, College Park, MD—App. No. 560365.

The applicant requests a permit to take and subsequently sacrifice up to three specimens of each of the following reptiles for scientific research: Anegada ground iguana (*Cyclura pinguis),* Grand Cayman iguana (*C. nubila lewisi),* Jamaican iguana (*C. Collei),* Watling Island iguana (*C. ileyi rileyi),* Jamaican boa (*Epicrates subflavus),* Puerto Rico boa (*E. inornatus),* and Virgin Islands boa (*E. monensis granti).*

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: April 23, 1984.

Larry LaRochelle,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 84-11368 Filed 4-26-84; 8:45 am]

BILLING CODE 4310-55-M

Receipt of Application for Permit

Notice is hereby given that an applicant has applied in due form for a permit to import one captive-bred female polar bear as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the regulations governing the taking and importing of Marine Mammals (50 CFR Part 18).

1. Applicant:

a. Name: Detroit Zoological Parks Department.

b. Address: 8450 W. 10 Mile Road, Royal Oak, MI 48068-0039.

2. Type of permit: import.

3. Name and number of animals: Polar bear (*Ursus maritimus*) 1 female.

4. Type of Activity: Public display and propagation.

5. Location of Activity: Detroit Zoological Park.

6. Period of Activity: 1 Year.

The purpose of this application is to import for enhancement of propagation or survival.

Concurrent with the publication of this notice in the Federal Register the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned application No. 560375. Written data or views, requests for copies of the complete application, or requests for a public hearing on this application should be submitted to the Director. U.S. Fish and Wildlife Service. (WPO). P.O. Box 3654, Arlington, VA 22203, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements contained in this notice are summaries of those of the applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 605, 1000 North Glebe Road, Arlington, Virginia.

Dated: April 23, 1984.

Larry LaRochelle,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 84-11367 Filed 4-26-84; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Development Operations Coordination Document; Gulf Oil Exploration and Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 3543, Block 24, Vermilion Area, offshore Lousiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Cameron and Patterson, Louisiana.

DATE: The subject DOCD was deemed submitted on April 19, 1984.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Matairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Emile H. Simoneaux, Jr., Minerals Management Service, Gulf of Mexico Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Units; Phone (504) 838-0872.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local government, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 19, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84-11383 Filed 4-26-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; ODECO Oil and Gas Co.

AGENCY: Minerals Management Service; Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OSC–G 5545, Block 120, Ship Shoal Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support actvities to be conducted from an onshore base located at Dulac, Louisiana.

DATE: The subject DOCD was deemed submitted on April 19, 1984.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Boulevard., Room 147, Metairie, Louisiana (Office Hours: 9 a.m to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Emile H. Simoneaux, Jr., Minerals Management Service, Gulf of Mexico Region; Rules and Production; Plans Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838–0872.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 19, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84–11384 Filed 4–26–84; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; ODECO Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 5488, Block 94, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Dulac, Louisiana.

DATE: The subject DOCD was deemed submitted on April 17, 1984.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Boulevard, Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Emile H. Simoneaux, Jr., Minerals Management Service, Gulf of Mexico Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838–0872.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 18, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84–11385 Filed 4–26–84; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Seagull Energy E and P Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Seagull Energy E and P Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 3991, Block 45, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on April 17, 1984.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Boulevard, Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Emile H. Simoneaux, Jr., Minerals Management Service, Gulf of Mexico Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838–0872.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 18, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84–11386 Filed 4–26–84; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Mining Plan of Operations at Denali National Park and Preserve; Availability

Notice is hereby given that pursuant to the provisions of Section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of Section 9.17 of 36 CFR Part 9A, K.L.K., Inc. and T.J. Mining have filed a plan of operations on lands embracing the Caribou Howtay Assoc. Nos. 5–8 placer mining claims within the Denali National Park and Preserve along

Caribou Creek. This plan is available for inspection during normal hours at the Alaska Regional Office, National Park Service, 2525 Gambell Street, Anchorage, Alaska.

Robert Peterson,

Acting Regional Director, Alaska Region.

[FR Doc. 84-11437 Filed 4-26-84; 8:45 am]

BILLING CODE 4310-70-M

Mining Plan of Operations at Denali National Park and Preserve; Availability

Notice is hereby given that pursuant to the provisions of Section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9A, Caribou Creek Mining Company has filed a plan of operations on lands embracing the Howtay Assoc. Claim Nos. 1A-2 and Caribou Howtay Assoc. Claim No. 1 placer mining claims within the Denali National Park and Preserve along Caribou Creek. This plan is available for inspection during normal business hours at the Alaska Regional Office, National Park Service, 2525 Gambell Street, Room 107, Anchorage, Alaska.

Robert Peterson,

Acting Regional Director Alaska Region.

[FR Doc. 84-11438 Filed 4-26-84; 8:45 am]

BILLING CODE 4310-70-M

Statue of Liberty-Ellis Island Centennial Commission History Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, as amended, that a meeting of the History Committee of the Statue of Liberty-Ellis Island Commission will be held from 10:00 a.m. to 5 p.m. on Friday, May 11, 1984, in the Conference Room, Balch Institute, 18 South 7th Street, Philadelphia, PA. The meeting is for the purpose of reviewing plans for the interpretive program for Ellis Island. Further information concerning this meeting may be obtained from Garnet Chapin, National Park Service, Department of the Interior, 18th and C Sts. NW, Washington, D.C. 20240 (202-343-5180).

Dated: April 23, 1984.

David L. Jervis,

Acting Associate Director, Planning and Development, National Park Service.

[FR Doc. 84-11441 Filed 4-26-84; 8:45 am]

BILLING CODE 4310-70-M

Statue of Liberty-Ellis Island Centennial Commission; Renewal

Pursuant to the authority contained in section 14(a) of the Federal Advisory Committee Act (Pub. L. 92-463), the Secretary of the Interior has determined that renewal of the Statue of Liberty-Ellis Island Centennial Commission is necessary and in the public interest.

The purpose of the commission is to advise the Secretary on the means and schedules of preservation, the needs and uses of donated funds, and the programs and activities associated with centennial celebrations of the Statue of Liberty and Ellis Island.

The General Services Administration concurred in the renewal of this commission on April 18, 1984.

Further information regarding this commission may be obtained from Shirley M. Luikens, Advisory Boards and Commissions, National Park Service, Department of the Interior, Washington, D.C. 20240 (202-343-2012).

Dated: April 20, 1984.

David G. Wright

Associate Director, Planning and Development, National Park Service.

[FR Doc. 84-11440 Filed 4-26-84; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-77 (Sub-4)]

Bangor and Aroostook Railroad Company—Abandonment—in Aroostook County, ME, Findings

The Commission has issued a certificate authorizing the Bangor and Aroostook Railroad Company to abandon its line of railroad extending from milepost 188.83 near Bridgewater to milepost 206.16 near Phair, a distance of 17.33 miles in Aroostook County, ME. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within the 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-11432 Filed 4-26-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No.AB-6 (Sub-175)]

Burlington Northern Railroad Co.—Abandonment—in Fergus, Judith Basin, and Chouteau Counties, MT; Findings

April 23, 1984.

Notice is hereby given pursuant to 49 U.S.C., 10903 that by a decision dated April 23, 1984, a finding, which is administratively final, was made by the Administrative Law Judge stating that the public convenience and necessity permit the abandonment by Burlington Northern Railroad Company of a segment of rail line extending from railroad milepost 71.00 near Spring Creek Junction to railroad milepost 137.14 near Geraldine, a distance of 66.12 miles in Fergus, Judith Basin and Chouteau Counties, MT. Abandonment is subject to the conditions for the protection of employees in *Oregon Short Line Railroad Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). Offers of financial assistance must be made within 10 days of the publication of this notice. Any person who made an offer of financial assistance prior to the publication of the notice must inform the carrier and the Commission of its continued interest or the offer may be considered to have lapsed. A certificate of abandonment will be issued to the Burlington Northern Railroad Company based on the above finding, 30 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Deputy Director, Section of Finance, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such a line of railroad and the avoidable cost of providing rail freight service on such line,

together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all of any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of any offer, and no request is made of the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement [including any extensions or modifications] is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 CFR 1121 as revised by Ex Parte No. 274 (Sub-No. 6), *Abandonment of Railroad Lines and Discontinuance of Service*, 365 I.C.C. 249 (1981), as published at 46 FR 45342 (September 11, 1981). All interested persons are advised to follow the instructions contained therein as well as the instructions in the above-referenced decision.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-11433 Filed 4-26-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-35 (Sub-7)]

Los Angeles & Salt Lake Railroad Co.—Abandonment and Discontinuance of Service by Union Pacific Railroad Co.—in Millard County, UT

The Commission has found that the public convenience and necessity permit the abandonment by the Los Angeles & Salt Lake Railroad Company of, and discontinuance of service by Union Pacific Railroad Company over, a portion of a line of railroad known as the Fillmore Branch, extending from milepost 0.50, near Delta, to the end of the line at milepost 32.26, near Fillmore, a distance of approximately 31.76 miles, in Millard County, UT. A certificate will be issued authorizing this abandonment unless, within 15 days after this publication, the Commission also finds that: (1) A financially responsible person has offered assistance through subsidy or purchase to enable the rail service to be continued and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in boldface on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-11434 Filed 4-26-84; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30421]

Roscoe, Snyder & Pacific Railway Co.—Abandonment Exemption—In Scurry, Mitchell, and Nolan Counties, TX

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 *et seq.* the abandonment by Roscoe, Snyder and Pacific Railway Company of 27.4 miles of rail line in Scurry, Mitchell and Nolan Counties, TX, subject to employee protective conditions.

DATE: This exemption shall be effective on May 28, 1984. Petitions to stay must be filed by May 7, 1984, and petitions for reconsideration must be filed by May 17, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30421 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Hugh L. McCulley, 1010 Jefferson, Suite 911 Houston, TX 77002.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: April 20, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison. Commissioner Gradison did not participate.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-11435 Filed 4-26-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The OMB and Agency form numbers, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small businesses or organizations are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be

directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

Office of Pension and Welfare Benefit Programs

ERISA Advisory Opinion Procedure

On Occasion

Businesses or other for-profit; small businesses or organizations

218 respondents; 3,270 hours

The procedure is utilized by plan fiduciaries, administrators and other individuals when requesting a legal interpretation from the Department regarding specific facts and circumstances (an Advisory Opinion).

Signed at Washington, D.C., this 24th day of April, 1984.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 84-11491 Filed 4-26-84; 8:45 am]

BILLING CODE 4510-29-M

Employment and Training Administration

[TA-W-15,054]

Carr-Lowrey Glass Co., Baltimore, Maryland; Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance; Correction

In FR Doc. 83-28890 appearing on page 49109 in the Federal Register of October 24, 1983, the date of petition in the Appendix under petitioner Carr-Lowrey Glass Company, Baltimore, Maryland should be corrected to read "September 3, 1983."

Signed at Washington, D.C., this 19th day of April 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 84-11359 Filed 4-26-84; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-84-81-C]

Bishop Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Bishop Coal Co., P.O. Box 890, 29 College Avenue, Bluefield, Virginia 24605-0890 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its Bishop No. 34 Mine (I.D. No. 46-01400), Bishop No. 33-37 Mine (I.D. No. 46-01868), and its Bishop No. 36 Mine (I.D. No. 46-02154), all located in McDowell County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable wirh wires no smaller than No. 18 Brown an Sharp guage.

3. The unit will be used with not more than:

a. Ten detonators with copper leg wires not over 30 feet long;

b. Ten detonators with iron leg wires 6 and 7 feet long;

c. Nine detonators with iron leg wires 8 and 9 feet long;

d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron leg wires 12 feet long;

f. Six detonators with iron leg wires 14 feet long; and

g. Five detonators with iron leg wires 16 feet long

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 29, 1984. Copies of the petition are available for inspection at that address.

Dated: April 17, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-11327 Filed 4-26-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-91-C]

Chapparal Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Chapparal Coal Corporation, 441 Marion Branch Road, Pikeville, Kentucky 41501 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 2 Mine (I.D. No. 15-08256) located in Pike County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. the petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. Due to undulation in the coal seam, coal height varies from 42 to 55 inches, with an extremely soft bottom.

3. Petitioner states that the use of conopies on the mine's electric face equipment restricts the equipment operator's visibility and cramps the operator's seating position, resulting in a diminution of safety. In addition, the canopies can strike and dislodge roof supports, increasing the chances of a roof fall.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office

of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 29, 1984. Copies of the petition are available for inspection at that address.

Dated: April 19, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-11328 Filed 4-26-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-77-C]

Cheryl Sue Coal Company, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Cheryl Sue Coal Company, Inc., 220 Park Avenue, So. Point, Ohio 45680 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its Cheryl Sue Mine (I.D. No. 15-11689) located in Leslie County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

a. Ten detonators with copper leg wires not over 30 feet long;

b. Ten detonators with iron leg wires 6 and 7 feet long;

c. Nine detonators with iron leg wires 8 and 9 feet long;

d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron leg wires 12 feet long;

f. Six detonators with iron leg wires 14 feet long; and

g. Five detonators with iron leg wires 16 feet long.

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 29, 1984. Copies of the petition are available for inspection at that address.

Dated: April 18, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-11329 Filed 4-26-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-82-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, P.O. Box 890, 29 College Avenue, Bluefield, Virginia 24605-0890, had filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its Maitland Mine (I.D. No. 46-01409) and Jenkinjones No. 4 Mine (I.D. No. 46-04533), both located in McDowell County, West Virginia; its Crane Creek No. 6 Mine (I.D. No. 46-01586), Crane Creek No. 12 Mine (I.D. No. 46-05942), Turkey Gap Mine (I.D. No. 46-01443), and its Modoc Mine (I.D. No. 46-02056), all located in Mercer County, West Virginia; and its Rowland No. 3 Mine (I.D. No. 46-01986), Rowland No. 9 Mine (I.D. No. 46-04370), Rowland No. 11 Mine (I.D. No. 46-05625), and its Rowland No. 14 Mine (I.D. No. 46-05626), all located in Raleigh County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

a. Ten detonators with copper leg wires not over 30 feet long;

b. Ten detonators with iron leg wires 6 and 7 feet long;

c. Nine detonators with iron leg wires 8 and 9 feet long;

d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron leg wires 12 feet long;

f. Six detonators with iron leg wires 14 feet long; and

g. Five detonators with iron leg wires 16 feet long.

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cables;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All

comments must be postmarked or received in that office on or before May 29, 1984. Copies of the petition are available for inspection at that address.

Dated: April 18, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-11330 Filed 4-26-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-73-C]

Dingess Mine Service; Petition for Modification of Application of Mandatory Safety Standard

Dingess Mine Service, Box 1024, Chapmanville, West Virginia 25508 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its No. 2 Mine (I.D. No. 46-05300) located in Logan County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

a. Ten detonators with copper leg wires not over 30 feet long;

b. Ten detonators with iron leg wires 6 and 7 feet long;

c. Nine detonators with iron leg wires 8 and 9 feet long;

d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron leg wires 12 feet long;

f. Six detonators with iron leg wires 14 feet long;

g. Five detonators with iron leg wires 16 feet long.

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 29, 1984. Copies of the petition are available for inspection at that address.

Dated: April 17, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-11331 Filed 4-26-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-94-C]

Empire Energy Corp.; Petition for Modification of Application of Mandatory Safety Standard

Empire Energy Corp., P.O. Box 68, Craig, Colorado 81626 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Eagle No. 5 Mine (I.D. No. 05-01370) located in Moffat County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return aircourses be separated from belt haulage entries.

2. As an alternate method, petitioner proposes to drive a two-entry system for longwall development. The belt will be located in the return entry and equipped with permissible drives where needed. Methane, carbon monoxide, and heat-sensing devices will be installed along the belt lines.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 29, 1984. Copies of the petition are available for inspection at that address.

Dated: April 19, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-11332 Filed 4-26-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-63-C]

K. W. Carbon, Inc.; Petition for Modification of Application of Mandatory Safety Standard

K. W. Carbon, Inc., P.O. Box 68, Pilgrim Knob, Virginia 24634 has filed a petition to modify the application of 30 CFR 75-1710 (cabs and canopies) to its No. 1 Mine (I.D. No. 44-04778) located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirements that cabs or canopies be installed on the mine's electric face equipment.

2. The inconsistent mining height ranges from 42 to 60 inches.

3. Petitioner states that the use of canopies on the mine's shuttle cars would reduce the equipment operator's visibility and hamper safe operation of the equipment, resulting in a diminution of safety.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 29, 1984. Copies of the petition are available for inspection at that address.

Dated: April 19, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-11333 Filed 4-26-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-88-C

Lon Ray Corp.; Petition for Modification of Application Mandatory Safety Standard

Lon Ray Corporation, Box 427, Middlesboro, Kentucky 40965 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its No. 5 Mine (I.D. No. 15-14070) located in Harlan County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

a. Ten detonators with copper leg wires not over 30 feet long;

b. Ten detonators with iron leg wires 6 and 7 feet long;

c. Nine detonators with iron leg wires 8 and 9 feet long;

d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron leg wires 12 feet long;

f. Six detonators with iron leg wires 14 feet long;

g. Five detonators with iron leg wires 16 feet long;

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With a short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioners will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 29, 1984. Copies of the petition are available for inspection at that address.

Dated: April 18, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-11334 Filed 4-26-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-118-C]

Southern Ohio Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Southern Ohio Coal Company, P.O. Box 490, Athens, Ohio 45701 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its Meigs No. 1 Mine (I.D. No. 33-01172) and its Meigs No. 2 Mine (I.D. No. 33-01173), both located in Meigs County, Ohio. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

a. Ten detonators with copper leg wires not over 30 feet long;

b. Ten detonators with iron leg wires 6 and 7 feet long;

c. Nine detonators with iron leg wires 8 and 9 feet long;

d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron leg wires 12 feet long;

f. Six detonators with iron leg wires 14 feet long; and

g. Five detonators with iron leg wires 16 feet long;

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 100 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 29, 1984. Copies of the petition are available for inspection at that address.

Dated: April 18, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-11335 Filed 4-26-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-172-C]

Sue Lee Coal Company, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Sue Lee Coal Company, Inc., Clintwood, Virginia 24228 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 2 Mine (I.D. No. 44-05749) located in Dickenson County, Virginia. The petition

is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The coal seam ranges from 36 to 72 inches in height with an undulating roof and floor and abrupt changes in grade.

3. Petitioner states that the installation of canopies on the equipment in the low mining heights would cause roof supports to be dislodged, and the canopies would be weakened by the constant contact with the roof, resulting in a diminution of safety.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 29, 1984. Copies of the petition are available for inspection at that address.

Dated: April 18, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-11336 Filed 4-26-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-84-C]

Walhonde Coal and Construction; Petition for Modification of Application of Mandatory Safety Standard

Walhonde Coal & Construction, P.O. Box 325, Peytona, West Virginia 25154 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its Crooked Run No. 1 Mine (I.D. No. 46-06227) located in Boone County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

a. Ten detonators with copper leg wires not over 30 feet long;

b. Ten detonators with iron leg wires 6 and 7 feet long;

c. Nine detonators with iron leg wires 8 and 9 feet long;

d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron wires 12 feet long;

f. Six detonators with iron leg wires 14 feet long; and

g. Five detonators with iron leg wires 16 feet long.

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of a least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions or use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 29, 1984. Copies of the petition are available for inspection at that address.

Dated: April 18, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-11337 Filed 4-26-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-92-C]

White County Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

White County Coal Corporation, Route 1, Carmi, Illinois 62821 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment) to its Pattiki Mine (I.D. No. 11-02662), located in White County, Illinois. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the use of a locked padlock to secure screw caps in place on plugs of battery operated scoop tractors.

2. Petitioner states that there is an element of danger in having plugs locked together in the event of a short circuit occurring in the scoop's electrical components.

3. As an alternate method, petitioner proposes to use a modified bolt and nut locking device in lieu of a padlock. This modified locking device will serve the same purpose as a padlock; the plug could not be pulled apart without removing the bolt and the nut.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 29, 1984. Copies of the petition are available for inspection at that address.

Dated: April 17, 1984.

Patricia W. Silver,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-11338 Filed 4-26-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-31-C]

Angus Mining Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Angus Mining Company, Inc., Box 266, Caretta, West Virginia 24821 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Augus Mine (I.D. No. 46-01659) located in McDowell County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. As an alternate method, petitioner proposes to use Automatic Temporary Roof Support (ATRS) and a hydraulic safety jack on its 300 Galis Roof Bolter in lieu of providing a canopy on the equipment.

3. In support of this request, petitioner states that the Galis has been modified. The tramming controls are mounted on the rear of the machine when it is trammed from place to place and there is a canopy over the controls at the rear.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 29, 1984. Copies of the petition are available for inspection at that address.

Dated: April 19, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-11324 Filed 4-26-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-4-M]

ASARCO, Inc.; Petition for Modification of Application of Mandatory Safety Standard

ASARCO, Inc., Box 440, Wallace, Idaho 83873 has filed a petition to modify the application of 30 CFR 57.11-37 (ladderways) to its Coeur Mine (I.D. No. 10-00479) located in Reynolds County, Idaho. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that ladderways have a minimum unobstructed cross-sectional opening of 24 inches by 24 inches measured from the face of the ladder.

2. The mine has a continuous problem with ground squeeze and movement, which creates the need for constant raise repair in ladderways in existing raise openings. This maintenance of ladderways is required because of breakage of raise caps, which presently average ten feet in length.

3. Petitioner states that larger raise openings would require an average raise cap length of 12.5 feet and would subject the raise caps to additional stress. The higher stresses would endanger the miners working in and out of raises by further weakening the raise caps, which would result in a diminution of safety.

4. As an alternate method, petitioner proposes that the manway opening be 18 inches by 20 inches where certain ground conditions diminish the structural competence of the raise caps.

5. Petitioner states that the proposed alternate method will provide the same measure of protection to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 29, 1984. Copies of the petition are available for inspection at that address.

Dated: April 19, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-11325 Filed 4-26-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-23-C]

Big Mac Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Big Mac Coal Company, Inc., 137 Clark Street, Abingdon, Virginia 24210 has filed a petition to modify the application of 30 CFR 75.1303 (permissible blasting devices) to its No. 1 Mine (I.D. No. 44-06001) located in Wise County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible blasting devices be used, that all explosives and blasting devices be used in a permissible manner, and that permissible explosives be fired only with permissible shot firing units.

2. As an alternate method, petitioner proposes to use the nonpermissible FEMCO Ten-Shot Blasting Unit. The unit will be used by an authorized person and will be used with well-insulated blasting cable with wires no smaller than No. 18 Brown and Sharp gauge.

3. The unit will be used with not more than:

a. Ten detonators with copper leg wires not over 30 feet long;

b. Ten detonators with iron leg wires 6 and 7 feet long;

c. Nine detonators with iron leg wires 8 and 9 feet long;

d. Eight detonators with iron leg wires 10 feet long;

e. Seven detonators with iron leg wires 12 feet long;

f. Six detonators with iron leg wires 14 feet long; and

g. Five detonators with iron leg wires 16 feet long.

4. In addition, the FEMCO Ten-Shot Blasting Unit will be used only:

a. With short-delay electric detonators with designated delay periods of 25 to 500 milliseconds;

b. If the lamp, which provides an indication of readiness, lights immediately upon insertion of the firing key and extinguishes immediately upon release of the key. This will be verified prior to connecting the unit to the blasting cable;

c. With a battery pack having an open circuit voltage of at least 120 volts when installed. The pack will be replaced at intervals not to exceed 6 months.

5. Petitioner will attach the manufacturer's label specifying conditions of use for the unit and will install the manufacturer's sealing device on the housing of the unit.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 29, 1984. Copies of the petition are available for inspection at that address.

Dated: April 19, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-11326 Filed 4-27-84; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (84-37)]

NASA Advisory Council; Meeting

Correction

In FR Doc. 84-10033 beginning on page 15026 in the issue of Monday, April 16, 1984, make the following correction: In column three, **SUPPLEMENTARY INFORMATION**, paragraph two, line nine, "552(c)(6)" should read "552b(c)(6)".

BILLING CODE 1505-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Cell Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Cell Biology.

Date and time: Monday, Tuesday and Wednesday, May 14, 15, and 16, 1984 from 9:00 am to 5:00 pm.

Place: Room 338, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Wallace M. LeStourgeon, Program Director, Cell Biology Program, Room 332-G. Telephone: 202-357-7474.

Purpose of advisory panel: To provide advice and recommendations concerning support for research in Cell Biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 24, 1984.

M. R. Winkler,

Committee Management Coordinator.

[FR Doc. 84-11389 Filed 4-26-84; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Geography and Regional Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Geography and Regional Science.

Date and Time: May 15, 1984; 8:30 a.m. to 5:00 p.m. Closed.

May 14, 1984; 8:30 a.m. to 5:00 p.m. Closed.

May 16, 1984; 8:30 a.m. to 9:30 a.m. Open.

Place: Room 523 National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of meeting: Part open.

Contact person: Dr. George J. Demko, Program Director, Geography and Regional Science, Room 312, National Science Foundation, Washington, D.C. 20550; telephone (202) 357-7326.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in Geography and Regional Science.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards. Closed. Open. Discussion on the emerging research directions and opportunities.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 24, 1984.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 84-11387 Filed 4-26-84; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Memory and Cognitive Processes; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Memory and Cognitive Processes.

Date and time: May 14-16, 1984, 9:00 a.m. to 5:00 p.m. each day.

Place: National Science Foundation, 1800 G St., NW., Washington, D.C. 20550, Room 1224.

Type of meeting: Part open.

Closed: May 14 and 16, 9:00 a.m. to 5:00 p.m. and May 15, 1:00 p.m. to 5:00 p.m.

Open: May 15, 10:00 a.m. to 12:00 noon.

Contact person: Dr. Joseph L. Young, Program Director, Memory and Cognitive Processes Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone (202) 357-9898.

Summary of minutes: May be obtained from the Contact Person at the above stated address.

Purpose of Advisory panel: To provide advice and recommendations concerning support for research in memory and cognitive processes.

Agenda: Open: General discussion of the current status and future plans of the Memory and Cognitive Processes Program.

Closed: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include formation of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delgated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 24, 1984.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 84-11388 Filed 4-26-84; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Physics; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Physics.

Date and time: May 14-15, 1984, 9:00 a.m. to 6:00 p.m. each day.

Place: National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550, Room 540 each day.

Type of meeting: Open.

Contact person: Dr. Marcel Bardon, Director, Division of Physics, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-7985.

Summary of minutes: May be obtained from Dr. Marcel Bardon, Director, Division of Physics, National Science Foundation, Washington, D.C. 20550.

Purpose of committee: To provide advice and recommendations concerning support for research in physics.

Agenda: May 14, 1984, 9:00 a.m. to 6:00 p.m.

Oversight review of NSF support of theoretical physics, including presentations by NSF and DOE staff and the report of the

Subcommittee for Review of the NSF Theoretical Physics Program.

May 15, 1984, 9:00 a.m. to 6:00 p.m.

Discussion of graduate student support; multidisciplinary proposals; support of physics subdisciplines; continuation of discussions of previous day.

Dated: April 24, 1984.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 84-11390 Filed 4-23-84; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70 (b) "Public notice of receipt of an application" please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. Copies of the applications are on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

A request for a heraing or petition for leave to intervene may be filed within 30 days after publication of this notice in the Federal Register. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Excutive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, U.S. Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear materials or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 20th day of April 1984 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director Export/Import and International Safeguards, Office of International Programs.

NRC EXPORT AND IMPORT APPLICATIONS

Name of applicant, date of application, date received, application No.	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Australian Embassy, 4-11-84, 4-19-84, XSNM02139.	93 pct. enriched uranium	17.300	16.100	Fuel for the HIFAR Reactor	Australia.
Transnuclear, Inc., 4-19-84, 4-19-84, XSNM02140	93.3 pct. enriched uranium	35.068	32.737	Fuel for the R-2 Research Reactor	Sweden.

[FR Doc. 84-11445 Filed 4-26-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-352/353]

Availability of the Final Environmental Statement for Limerick Generating Station, Units 1 and 2

Notice is hereby given that the Final Environmental Statement (NUREG-0974) related to the operation of the Limerick Generating Station, Units 1 and 2, has been prepared by the Commission's Office of Nuclear Reactor Regulation. The Limerick Generating Station, Units 1 and 2 are located on Schuylkill River, near pottstown, in Limerick Township, Montgomery County, Pennsylvania.

Copies of NUREG-0974 are available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, DC 20555, and at the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464. The document is also being made available at the Pennsylvania State Clearinghouse, Governor's Budget Office, P.O. Box 1323, Harrisburg, Pennsylvania 17120 and at the Delaware Valley Regional Planning Commission, Penn Towers Building, Third Floor, 1819 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The Notice of availability of the Draft environmental statement and Supplement No. 1 to the DES for the Limerick Generating Station, Unit 1 and 2, and request for comments were published in the Federal Register on June 30, 1983 (48 FR 30227) and December 22, 1983 (48 FR 56665) respectively. The comments received from Federal, State and local agencies and from interested members of the public have been included in the appendices to the Final Environmental Statement.

Copies of the Final Envoronmental Statement (NUREG-0974) May be purchased at current rates from the National Teachnical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and from the U. S. Nuclear Regulatory Commission, Sales Office, Washington, D.C. 20555.

Dated at Bethesda, Maryland this 16th day of April 1984.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 84-11449 Filed 4-27-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341]

Detroit Edison Co.; Enrico Fermi Atomic Power Plant, Unit 2

By a petition to intervene submitted to the Atomic Safety and Licensing Board in the Fermi-2 operating license proceeding, Monroe County, Michigan, raised a number of issues concerning the adequacy of offsite emergency planning for the Fermi-2 facility. Both the Licensing Board and the Atomic Safety and Licensing Appeal Board denied the County's untimely petition to intervene in the operating license proceedings. However, the Appeal Board forwarded the issues raised by the County to the Staff for its consideration in its decision (ALAB-707) dated December 21, 1982. The County's petition to intervene, therefore, has been treated pursuant to 10 CFR 2.206 of the Commission's regulations. In the intervening period, positive steps have been taken to revise the County emergency plan to clarify responsibilities for emergency response actions and to resolve the concerns of the County Commissioners. I have determined that the concerns of Monroe County have been satisfactorily resolved and are adequately addressed in the present emergency plans for the

Fermi-2 facility. Therefore, no further action is required to resolve the County's concerns. Copies of this Decision are available for inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and in the local public document room for the Fermi-2 facility located at the Monroe County Library System Reference Department, 3700 S. Custer Road, Monroe, Michigan 48161.

Dated at Bethesda, Maryland this 20th day of April 1984.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 84-11440 Filed 4-26-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-275]

Pacific Gas & Electric Co., Diablo Canyon Nuclear Power Plant, Unit 1; Order Modifying License

I

The Pacific Gas and Electric Company (PG&E or the Licensee) holds License No. DPR-76 which authorizes the Licensee to conduct low-power operation of the Diablo Canyon Nuclear Power Plant, Unit 1, at up to 5% of the facility's rated power. The license was issued on September 22, 1981, and was recently fully reinstated by the Commission after having been suspended in November 1981 pending the successful completion of an independent design verification program.

II

During the staff's review of the results of the independent design verification program and other matters related to the readiness of Diablo Canyon Unit 1 for low-power operation upon reinstatement of the suspended license, a number of concerns were raised regarding the adequacy of the design and design control measures for piping and piping supports. In recent weeks, the Commission and the staff have devoted substantial attention to these concerns to ensure that the piping and piping supports would not pose an undue risk to public health and safety if Diablo Canyon Unit 1 were permitted to operate at low power.

Among its evaluations and inspections of the piping issues, the staff convened a peer review group of techincal experts to review certain concerns raised by Mr. Isa Yin, and NRC inspector who had reported, on the basis of his review and inspection, inadequate compliance with design requirements, document controls and personnel training for piping and piping supports. The peer review group met with Mr. Yin, PG&E representatives, and some of the contractors involved in the independent design verification program. The group visted Diablo Canyon, and later met with Mr. Charles Stokes, a former enployee at the Diablo Canyon Project site who had made allegations concerning the adequacy of small-bore piping and piping supports. The group later met with Mr. Yin to discuss the group's proposed findings. In addition to the staff's reviews and inspections of the piping and piping supports, the Advisory Committee on Reactor Safeguards (ACRS) met in public session on April 6, 1984, to hear from Mr. Yin, other members of the NRC staff, and Mr. Stokes.

The peer review group and the ACRS concluded that Mr. Yin's concerns did not warrant delaying low-power operation of Diablo Canyon Unit 1. Mr. Yin informed the ACRS that, upon further review of the matter, he did not believe that resolution of the piping issues required further deferral of the reinstatement of the low-power operating license for Diablo Canyon Unit 1. Accordingly, the Commission reinstated the low-power license on April 13, 1984. *See* CLI-84-5, at 4-6.

The peer review group, the ACRS, and Mr. Yin agree that the piping issue requires resolution prior to authorizing full-power operation of Diablo Canyon Unit 1. On the basis of the various reviews of this matter, the staff believes that a number of actions are necessary to ensure the adequacy of small and large-bore piping and pipe supports and to ensure correction of deficiencies, if any, before Diablo Canyon Unit 1 can be permitted to operate above 5% rated power.

III

Accordingly, pursuant to sections 103, 161(i), 161(o), 182 and 186 of the Atomic Energy Act of 1954, as amended, and 10 CFR 2.204 and 10 CFR Part 50 of the Commission's regulations, it is hereby ordered that the Licensee shall not operate Diablo Canyon Unit 1 above 5% power until the Licensee has completed the specific actions which are set forth below in new License Condition 2.C.(11) to Facility Operating License No. DPR-76:

2.C.(11): Piping and Piping Supports

1. PG&E shall complete the review of all small-bore piping supports which were reanalyzed and requalified by computer analysis. The review shall include consideration of the additional technical topics, as appropriate, contained in License Condition No. 7 below.

2. PG&E shall identify all cases in which rigid supports are placed in close proximity to other rigid supports or anchors. For these cases PG&E shall conduct a program that assures loads shared between these adjacent supports and anchors result in acceptable piping and support stresses. Upon completion of this effort, PG&E shall submit a report to the NRC staff documenting the results of the program.

3. PG&E shall identify all cases in which snubbers are placed in close proximity to rigid supports and anchors. For these cases, utilizing snubber lock-up motion criteria acceptable to the staff, PG&E shall demonstrate that acceptable piping and piping support stresses are met. Upon completion of this effort, PG&E shall submit a report to the NRC staff documenting the results.

4. PG&E shall identify all pipe supports for which thermal gaps have been specifically included in the piping thermal analyses. For these cases the licensee shall develop a program for periodic inservice inspection to assure that these thermal gaps are maintained throughout the operating life of the plant. PG&E shall submit to the NRC staff a report containing the gap monitoring program.

5. PG&E shall provide to the NRC the procedures and schedules for the hot walkdown of the main steam system piping. PG&E shall document the main steam hot walkdown results in a report to the NRC staff.

6. PG&E shall conduct a review of the "Pipe Support Design Tolerance Clarification" program (PSDTC) and "Diablo Problem" system (DP) activities. The review shall include specific identification of the following:

(a) Support changes which deviated from the defined PSDTC program scope;

(b) Any significant deviations between as-built and design configurations stemming from the PSDTC or DP activities; and

(c) Any unresolved matters identified by the DP system.

The purpose of this review is to ensure that all design changes and modifications have been resolved and documented in an appropriate manner. Upon completion PG&E shall submit a report to the NRC staff documenting the results of this review.

7. PG&E shall conduct a program to demonstrate that the following technical topics have been adequately addressed in the design of small and large-bore piping supports:

(a) Inclusion of warping normal and shear stresses due to torsion in those

open sections where warping effects are significant.

(b) Resolution of differences between the AISC Code and Bechtel criteria with regard to allowable lengths of unbraced angle sections in bending.

(c) Consideration of Lateral/torsional buckling under axial loading of angle members.

(d) Inclusion of axial and torsional loads due to load eccentricity where appropriate.

(e) Corect calculation of pipe support fundamental frequency by Rayleigh's method.

(f) Consideration of flare bevel weld efective throat thickness as used on structural steel tubing with an outside radius of less than 2T.

PG&E shall submit a report to the NRC staff documenting the the results of the program.

8. The Director, Division of Licensing, Office of Nuclear Reactor Regulation, may relax any of the foregoing conditions for good cause.

IV

The Licensee may request a hearing on this Order. Any request for a hearing on this Order must be submitted within 20 days of the date of this Order to the Director, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held on this Order, the issue for hearing shall be whether this Order should be sustained.

This Order shall be come effective without further proceedings upon the Licensee's consent to the Order or upon expiration of the period within which the Licensee may request a hearing. If the Licensee requests a hearing this Order shall be effective in accordance with an Order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 18th day of April, 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-11447 Filed 4-26-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-275]

Pacific Gas & Electric Co.; Issuance of Amendment To Facility Operating License

On September 22, 1981, the U.S. Nuclear Regulatory Commission (the Commission) issued Facility Operating License No. DPR-76 to the Pacific Gas and Electric Company (the licensee) for operation of the Diablo Canyon Nuclear Power Plant, Unit 1 (the facility) located in San Luis Obispo, California, limited to five percent of full power (166.9 megawatts thermal).

On November 19, 1981, the Commission suspended the license pending the completion of an independent design verification program. The Commission on April 13, 1984, reinstated the license and indicated that the expiration date of the license should be extended in accordance with the Licensee's request. As part of this decision the Commission also decided to amend the license to provide an additional condition related to the revaluation of the seismic design bases for the facility. In addition, the Atomic Safety and Licensing Appeal Board, in its decision of March 20, 1984, required appropriate jet impigement analyses.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations. The Commission has made appropriate findings as required by the Act of and the Commission's Regulations in 10 CFR Chapter 1, which are set forth in the amended license. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the Federal Register on October 19, 1973. The extension of the expiration date authorized by this amendment and the conditions contained therein are encompassed by that prior notice. The Commission has determined that the issuance of the amendment will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see (1) the Commission's Safety Evaluation Report, dated October 16, 1974, and Supplements 1 through 22; (2) the Final Safety Analysis Report and Amendments thereto; (3) the Final Environmental Statement, dated May 1973 and supplements thereto; (4) the Partial Initial Decision of the Atomic Safety and Licensing Board, dated July 17, 1981; (5) the Decision of the Atomic Safety and Licensing Appeal Board dated March 20, 1984; and (6) the Commission's Memorandum and Order dated April 13, 1984.

These items are available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Bethesda, Maryland this 18th day of April, 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-11448 Filed 4-26-84; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Report on Results of Audit for Purposes of Rate Base Determination Invitation for Comments and Granting Intervention

Issued: April 27, 1984.

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Tentative Determination.

DATES: Comments should be submitted on or before May 29, 1984; reply comments should be submitted on or before June 13, 1984.

ADDRESS: For filing comments: J. Richard Berman, Director, Office of Audit and Cost Analysis, Office of the Federal Inspector, ANGTS, 1200 Pennsylvania Ave., NW., Room 3415, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: J. Richard Berman (202) 275-1100.

The Federal Inspector has received from the Office of Audit and Cost Analysis a Tentative Determination on the expenditures incurred by Alaskan Northwest Natural Gas Transportation Company (Alaskan Northwest) and the Cooperative Agreement for Design and Engineering of Alaskan Gas Pipeline and Conditioning Plant (Cooperative Agreement) related to the Alaskan segment of the Alaska Natural Gas Tranportation System (ANGTS) during the period October 1, 1981 through June 30, 1983. The report is based on five separate audit reports, copies of which

can be acquired from Office of the Federal Inspector (OFI).

In accordance with established FERC procedures[1] and the OFI's Statement of Policy on General Standards and Procedures for Rate Base Audit and Approval for the ANGTS, the reports express an opinion as to whether: expenditures are properly assignable to the project and of a nature that would qualify the expenditures for eventual inclusion in the rate base; the accounting used by the sponsors meets the Uniform System of Accounts and generally accepted accounting principles; the project sponsors are in compliance with other accounting and reporting regulations and requirements of the Natural Gas Act, the *Decision* and the certificate of public convenience and necessity; and the sponsor's management and cost control systems were in place and operating as planned during the period under review.

The Federal Inspector solicits:

(A) Within 30 days of the notice date the comments of any interested person or persons as to why, or why not, for purposes of rate base determination pursuant to OFI Order No. 3,[2] the tentative determination should be made final.

(B) No later than 45 days after the notice date, any interested person may submit commets in response to any comment submitted within the 30-day period provided by paragraph (A) above.

Dated: April 27, 1984.

John T. Rhett,

Federal Inspector.

[FR Doc. 84-11498 Filed 4-26-84; 8:45 am]

BILLING CODE 6119-01-M

[1] FERC Directive to the Office of the Chief Accountant, Administrative Order No. 4, dated April 18, 1981.

[2] 10 CFR, Chapter XV, Order No. 3, Statement of Policy on General Standards for Rate Base Audit and Approval for the Alaska Natural Gas Transportation System, dated October 22, 1981.

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Northwest Power Planning Council; Northwest Conservation and Electric Power Plan, Amendment

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of amendment.

SUMMARY: On April 12, 1984, the Pacific Northwest Electric Power and Conservation Planning Council ("the Council") amended a portion of its Northwest Conservation and Electric Power Plan. This notice describes that amendment.

FOR FURTHER INFORMATION CONTACT: Tom Foley, Manager of Conservation and Resources, 700 S.W. Taylor, Suite 200, Portland, Oregon 97205 (toll free 1-800-222-3355 in Montana, Idaho and Washington; toll free 1-800-452-2324 in Oregon; or 503-222-5161).

SUPPLEMENTARY INFORMATION: At its regular public meeting in Boise, Idaho on April 12, 1984, the Council voted unanimously to amend a portion of its Northwest Conservation and Electric Power Plan ("the Plan"). The Pacific Northwest Electric Power Planning and Conservation Act ("the Act"), Pub. L. 96-501, 94 Stat. 2697, 16 U.S.C. 839 *et seq.*, allows the Council to amend the Plan from time to time.

The adopted amendment affects only section 23.1 of Chapter 10 of the Plan ("Two-year Action Plan", page 10-22). The original section 23.1 provided that the Council would:

> Conduct a study, in cooperation with Bonneville [Power Adminstration], the region's public and private utilities, EPRI [Electric Power Research Institute], representatives from architectural and engineering firms, and equipment manufacturers, to determine whether and how the planning and construction schedules of large thermal plants can be reduced.

As amended, section 23.1 now calls on the Council to:

> Monitor the progress of utility industry studies to determine whether and how the planning and construction schedules of large thermal plants can be reduced. Followng completion of these studies, the Council will determine whether there is a need for additional study by the Council.

The amendment does not change the Council's position in favor of investigating methods for reducing the planning and construction schedules of large thermal plants. Its simply allows the Council to assess the results of current utility studies before committing Council time and resources to its own study.

In adopting the amendment, the Council complied with all requirements of the Act and the Plan regarding substantial, non-technical amendments. Pursuant to those requirements, it:

- Announced the proposed amendment, public hearings and public comments period in the Federal Register (48 FR 57186, December 18, 1983);
- Held public hearings in each Council member's state during Council meetings in Seattle, Washington (January 12), Coeur d'Alene, Idaho (February 2), Missoula, Montana (February 23), and Eugene, Oregon (March 15);
- Held a public comment period from December 28, 1983 through March 16, 1984; and
- Consulted with interested parties.

The Council received no written comments during the public hearings or the public comment period. At the hearing held during the March 15 Council meeting in Eugene, Oregon, State Senator Ed Fadeley expressed his hope that the proposed amendment would not alter the Council's role as an active monitor of utility resource planning.

In addition to this notice, the Council will announce the amendment (and explain how to obtain information about it) in the May issue of *Northwest Energy News*, the Council's bi-monthly newsletter.

Edward Sheets,

Executive Director.

[FR Doc. 84-11392 Filed 4-26-84; 8:45 am]

BILLING CODE 0000-00-M

SMALL BUSINESS ADMINISTRATION

Policy Change for Fixed Rate, SBA Guaranteed Business Loans

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: Pursuant to 13 CFR 120.3(b)(2)(iv), the Small Business Administration shall, from time to time, publish in the Federal Register notices of the maximum interest rate policy for SBA guaranteed loans. Effective on the date of publication of this notice, SBA will begin a pilot program in which the maximum permissible interest rate on fixed-rate guaranteed loans shall be equal to the state legal rate applicable to such loan. This pilot program will operate in Region II (NJ, NY, PR), Region VII (IA, KS, MO, NE) and Region IX (AZ, CA, HI, NV) only. The duration of the pilot will be one calander year.

If the guaranteed portion of a loan made during this pilot program is transferred as provided in 13 CFR 120.5(a)(3) to a third party within six months following full disbursement, such transfer shall be at a price which will not result in a differential greater than three percentage points (three hundred basis points) between the interest rate paid by the borrower and the coupon rate received by the investor.

FOR FURTHER INFORMATION CONTACT: James W. Hammersley, Financial Analyst, Room 720, 1441 L Street, NW., Washington, D.C. 20416, 202-653-6268.

SUPPLEMENTARY INFORMATION: Advisory groups to the Small Business Administration feel that some lenders may be using the SBA maximum interest rate as a recommended rate rather than a ceiling rate. This could result in small business borrowers paying higher interest charges than they would pay if the SBA maximum rate had not been in existence. In order to test this theory, SBA will operate a pilot in three regions in which the SBA maximum rate shall be equal the legal rate of the State. It is hoped that competitive pressures among lenders will reduce interest rates on small business loans. By the end of the one-year pilot, SBA will evaluate the results in order to determine if this interest rate policy should be implemented on a national basis, or abolished.

An integral part of this pilot program is a three hundred basis point limitation on the servicing fee that a lender may receive on any loan sold within six months of full disbursement. The purpose of this limitation is to pass to the borrower the benefit of the lower interest rates found in the government guaranteed securities market.

(Catalog of Federal Domestic Assistance Programs No. 59.012, Small Business Loans)

Dated: April 16, 1984.

James C. Sanders,

Administrator.

[FR Doc. 84-11400 Filed 4-26-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. (08/08-0051)]

Denver Ventures Inc.; Surrender of License

Notice is hereby given that Denver Ventures, Inc., (DVI) incorporated under the laws of the State of Colorado on March 22, 1979, has surrendered License No. 08/08-0051 issued by the Small Business Administration on September 27, 1979.

DIV has complied with all the conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the Regulations promulgated thereunder, the surrender of the license of DVI is hereby accepted and it is no longer licensed to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 20, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-11398 Filed 4-26-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0337]

VNB Capital Corp.; Issuance of a License To Operate as a Small Business Investment Co.

On October 20, 1983, a notice was published in the Federal Register (Vol. 48, 4873), stating that an application filed by VNB Capital Corporation located at 241 North Central Avenue, Phoenix, Arizona 85073, with the Small Business Administration (SBA) pursuant to (13 CFR 107.102(1983), for a license as a small business investment company under the provisions of section 301(c) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until close of business November 5, 1983, to submit their comments to SBA. No comments were received.

Notice is hereby given that considering the application and other pertinent information, SBA has issued License No. 09/09-0337 to VNB Capital Corporation.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 18, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-11397 Filed 4-26-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0322]

Wesco Capital. Ltd.; Filing of Application for Transfer of Control

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to Section 107.601 of the Regulations governing small business investment companies (13 CFR 107.601 (1984)), for transfer of control of Wesco Capital, Ltd. (Wesco), 3471 Via Lido. Suite 204, Newport Beach, California 92663, a Federal Licensee under the Small Business Investment Act of 1958 (the Act), as amended, (15 U.S.C. 661 *et seq.*).

Wesco was licensed on August 30, 1983.

The present General Partner and Limited Partners owning 10 or more percent partnership interest of Wesco are:

General Partners:

Peter J. Madigan, General Partner (1.8 percent)
Lido Financial, Inc., Corporate General Partner (.2 percent)
Peter J. Madigan, President, Vice President, and Director (100 percent ownership of Lido Financial, Inc.).
T. James Herrman, Director
Freda D. Wilt, Secretary, Treasury and Director

Limited Partners owning 10 or more percent partnership interest:

Orville L. Marlett (20 Percent)
Peter J. Madigan (58.2 percent)
Peter J. Madigan, Professional Corporation (14.8 percent)
Employees Retirement Trust

Mr. Madigan proposes to sell all the issued and outstanding stock of Lido Financial, Inc. to Mr. William J. Bauer. Mr. Bauer will also be purchasing 500 Limited Partnership Units, resulting in an increase in Wesco's net partnership private capital from $500.000 to $1,000,000.

The new officers and directors of Lido Financial, Inc. will be as follows:

President and Director
David R. Metcalf, 1540 Cambridge Road, San Marino, California 91108
Secretary and Director
Orville Marlett, 4639 Tremont Lane, Corona Del Mar, California 92625
Assistant Secretary and Director
Earl G. Herrick, 2057 Nowell Avenue, Rowland Heights, California 91748
Treasurer and Director
William J. Bauer, 10962 Horizon Hills Drive, El Cajon, California 92020
Vice President
Peter J. Madigan, 938 Via Lido, South, Newport Beach, California 92663

The proposed transfer of ownership and control of Lido Financial, Inc., the Corporate General Partner of Wesco, a Control Person, is deemed a transfer of control of Wesco and is subject to the prior written approval of SBA.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owner of Lido Financial, Inc., and the probability of successful operations of Wesco under this ownership, including adequate profitability, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment. Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice should be published in a newspaper of general circulation in Newport Beach, California area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 18, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-11396 Filed 4-26-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2126]

Arkansas; Declaration of Disaster Loan Area

Poinsett and Cleburne Counties and the adjacent Counties of Independence and Van Buren in the State of Arkansas constitute a disaster area because of damage caused by a tornado which occurred on March 15, 1984. Applications for loans for physical damage may be filed until the close of business on June 22, 1984, and for economic injury until the close of business on January 23, 1985, at the address listed below: U.S. Small business Administration, Disaster Area 3 Office, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051

or other locally announced locations.

Interest rates for this disaster are:

	Percent
Homeowners With Credit Available Elsewhere	8.000
Homeowners Without Credit Available Elsewhere	4.000
Businesses With Credit Available Elsewhere	8.000
Businesses Without Credit Available Elsewhere	4.000
Businesses (EIDL) Without Credit Available Elsewhere	4.000
Other (Non-Profit Organizations including Charitable and Religious Organizations)	10.500

The number assigned to this disaster is 212612 for physical damge and for economic injury the numbe is 616000.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: April 23, 1984.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 84-11444 Filed 4-26-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC No. 21-DD]

Advisory Circular—Use of Automobile Gasoline in Restricted Category Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed advisory circular (AC) and request for comments.

SUMMARY: This proposed AC is to set forth conditions under which automobile gasoline (autogas) may be used in restricted category aircraft powered by Pratt and Whitney R-985 or R-1340 radial engines, and being used in agricultural aircraft operations under Federal Aviation Regulations (FAR) Part 137, Agricultural Aircraft Operations.

DATES: Comments must identify AC No. 21-DD and be received on or before June 26, 1984.

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Aircraft Manufacturing, Division (AWS-200), 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: George J. Pour, Manager, Aircraft Manufacturing Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 426-8361.

Comments received on the proposed AC may be inspected in Room 301, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, SW., Washington, D.C. 20591, between the hours of 8:30 a.m. and 5:00 p.m., Monday thru Friday.

SUPPLEMENTARY INFORMATION:

Comments Invited

Comments are invited from all interested persons on the action proposed in this AC.

Background

In March of 1983, the Mississippi Agricultural Aviation Association (MAAA) submitted to the Federal Aviation Administration (FAA) a proposal for a field test in the State of Mississippi of the use of autogas in agricultural aircraft equipped with Pratt and Whitney R-985 or R-1340 radial engines. These engines are FAA approved for use with 80/87 octane (minimum) aviation gasoline (avgas). The objective of the field test was to gather data under actual operating conditions to determine whether the use of autogas in specified engines installed in agricultural aircraft could be allowed as an option to the use of avgas, without an adverse effect on safety of either the pilot of the aircraft or persons or property on the ground.

The FAA reviewed the MAAA proposal based on three major considerations: (1) FAA current policy in AC 20-33B "Technical Information Regarding Civil Aeronautics Manuals," and Civil Aeronautics Manual (CAM) 8.10-4(d)(2) permits the use of uncertificated engines in restricted category agricultural aircraft, subject to operating limitations in addition to those prescribed in FAR 91.39 for such aircraft; (2) use of autogas in a type certificated engine without some form of FAA approval would invalidate the approved status of the engine, rendering it, in effect, uncertificated; and, (3) the results of the field test would provide an experience data base upon which a determination could be made as to whether use of autogas in an agricultural aircraft under fueling conditions typical of agricultural operations would render it unsafe when operated in accordance with the limitations prescribed for its intended use.

The MAAA proposal was accepted by the FAA and approved for implementation on April 8, 1983, for one-year duration. FAA field offices were assigned the task of monitoring the program, which included engine instrumentation on four aircraft and a hot fuel test on one.

The test data gathered through the end of December 1983 have disclosed no abnormal engine operating temperatures or other irregularities, nor have any engine failures attributable to the use of autogas occurred on any aircraft in the test program. A total of over 18,000 hours were flown in 4 basic types of agricultural aircraft, with a total of about 70 airplanes participating in the program. Various brands of leaded, regular unleaded, and superunleaded autogas were used.

In view of the test results to date, the FAA is proposing to issue an AC to set forth procedures that may be used as a basis for return to service of a restricted category agricultural aircraft, with a Pratt and Whitney R-985 or R-1340 engine installed, that will use autogas.

Final action on the proposed AC will not be taken until after evaluation of all comments received. The operational data still being collected until termination of the program in April of 1984 will also be reviewed before final action on the AC.

Comments

Comments on the proposed AC are invited from all interested persons, and comments thereon should be submitted to: George J. Pour, Manager, Aircraft Manufacturing Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 426-8361.

Issued in Washington, D.C. on April 20, 1984.

George J. Pour,

Manager, Aircraft Manufacturing Division, Office of Airworthiness.

Subject: Use of Automobile Gasoline in Agricultural Aircraft

Date:

Initiated by: AWS-200

AC No.: 21-

Change:

1. *Purpose.* This advisory circular (AC) sets forth acceptable conditions under which automobile gasoline (autogas) may be used in restricted category agricultural aircraft powered by Pratt and Whitney R-985 and R-1340 radial engines, and being used in agricultural operations under Federal Aviation Regulations (FAR) Part 137.

2. *Cancellation.* AC No. 21-8, effective May 21, 1969, is canceled.

3. *Reference.* FAR 21.5; Civil Aviation Regulations (CAR) Part 8; Civil Aeronautics Manul (CAM) 8.10; and AC 20-33B.

4. *Background.* Under current FAA policy in AC 20-33B and CAM 8.10-4(D)(2), it is permissible to use uncertificated engines in restricted category agricultural aircraft, under operating limitations in addition to those prescribed in FAR 91.39. The use of autogas in a type certificated engine, without FAA approval, would be an unapproved major alteration of the type design, rendering it, in effect, to be decertificated. This AC provides guidance and conditions acceptable to the FAA under which restricted category agricultural aircraft may be operated if autogas is to be used in certain type certificated engines that may be installed in such aircraft.

5. *Applicability.* The provisions of this AC apply only to restricted category aircraft equipped with Pratt and Whitney R-985 or R-1340 engines, and are used in agricultural aircraft operations under FAR Part 137.

6. *Procedure.* Any person operating an aircraft that meets the applicability provision of paragraph 5 of this AC may use autogas for operation of that aircraft under the following conditions:

a. An FAA Form 337, Major Repair and Alteration, must be completed for each aircraft, including identification of the powerplant in Block 4 of the form, and indicating "alteration" in Block 5.

b. On the reverse side of the FAA Form 337, in Block 8, the following entries must be made, with each of the blank spaces filled in as appropriate: "The procedures and modifications covered by this FAA Form 337 have been found acceptable to the Administrator in Advisory Circular No. 21—, for the purpose of compliance with FAR 43.13. The aircraft and engine identified in Blocks 1 and 4 on this form may be approved for return to service by a person authorized by FAR 43.7, when the following conditions have been met:

A. The following placard is displayed on the instrument panel: NOTICE: THIS AIRCRAFT MAY BE OPERATED WITH AUTOMOTIVE FUEL OR MIXTURES OF AUTOMOTIVE AND AVIATION FUEL.

B. The following placards are displayed in the cockpit in clear view of the pilot:

THIS AIRCRAFT IS NOT ELIGIBLE FOR AN APPROVAL FOR OPERATION OVER CONGESTED AREAS UNDER FAR 137.51 OR FOR A WAIVER OF ANY LIMITATIONS IN FAR 91.39(d).

ENGINE SERIAL NUMBER ———, INSTALLED IN THIS AIRCRAFT AND OPERATED WITH AUTOMOTIVE TYPE FUEL IS NOT ELIGIBLE FOR INSTALLATION IN AN AIRCRAFT HAVING A STANDARD AIRWORTHINESS CERTIFICATE UNTIL IT HAS BEEN SUBJECTED TO A MAJOR OVERHAUL.

C. The following placard is permanently affixed in the specification section of the engine logbook(s): THIS ENGINE, SERIAL NUMBER ———, HAS BEEN OPERATED WITH AUTOMOTIVE TYPE FUEL AND IS NOT ELIGIBLE FOR INSTALLATION IN A NORMAL CATEGORY AIRCRAFT HAVING A STANDARD AIRWORTHINESS CERTIFICATE UNTIL IT HAS BEEN SUBJECTED TO A MAJOR OVERHAUL.

D. A placard is added at or near the fuel filler cover, to read: AUTO FUEL—87 OCTANE MINIMUM.

E. The automobile fuel used does not contain alcohol additives.

F. The following certification must be completed by a certificated pilot properly rated for the aircraft (reference FAR 137.19): I certify this aircraft/engine combination has been flight checked through all anticipated agricultural type maneuvers using 87 octane (R+M/2 method) automotive fuel and the engine has performed without evidence of malfunctioning and within the limitations specified in the Type Certification Data Sheets: Aircraft TC No. ———; Engine TC No. ———; Pilot Name ——— Certificate No. ———.

G. A copy of this FAA Form 337 must be affixed in a prominent place in the logbook for the aircraft and in the logbook for the engine, in addition to the maintenance record entries required by FAR 43.9.

H. This approval will be invalidated if the engine identified in Block 4 is removed from the aircraft and replaced with another engine. If the replacement engine is to be operated with autogas a new FAA Form 337 must be completed."

[FR Doc. 84-11360 Filed 4-26-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

The Department of Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reducation Act of 1980, Pub L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 535-6020. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and/or to the Treasury Department Clearance Officer, Room 7227, 1201 Constitution Avenue, NW., Washington, D.C. 20220.

United States Customs Service

OMB Number: 1515-0010
Form Number: CF 5119-A
Type of Review: Extension
Title: Informal Entry

OMB Number: 1515-0086
Form Number: CF 214, 215 and 216
Type of Review: Extension
Title: Application for Foreign Trade Zone Admission and/or Status Designation

OMB Number: New
Form Number: None
Type of Review: Existing Collection
Title: Establishment of a Bonded Warehouse (ICB No. 139).

OMB Reviewer: Judy McIntosh (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Gary Kowalczyk,

Departmental Reports, Management Office.

[FR Doc. 84-11432 Filed 4-26-84; 8:45 am]

BILLING CODE 4810-25-M

Fiscal Service

[Dept. Circ. 570, 1983 Rev., Supp. No. 20]

Surety Companies Acceptable on Federal Bonds; Delta America Insurance Co.

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Section, 9304 to 9308 Title 31 of the United States Code. An underwriting limitation of $533,000 has been established for the company.

Name of Company:
Delta America Insurance Company
Business Address:
16 Centre Street
Concord, New Hampshire 03301
State of Incorporation:
New Hampshire

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualifed (31 CFR, Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury

Curcular 570, 1983 Revision, at page 30532 to reflect this addition. Copies of the circular, when issued, may be obtained from the Operations Staff, Banking and Cash Management, Department of the Treasury, Washington, DC. 20226.

Dated: April 16, 1984.

W. E. Douglas,

Commissioner.

[FR Doc. 84-11361 Filed 4-26-84; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Privacy Act of 1974; Deletion of System of Records

Notice is hereby given that the Veterans Administration is deleting the system of records entitled "Armed Forces Separations (DD-214)—One Percent Sample—VA" (03VA071) as set forth on page 662 of the "Privacy Act Issuances, 1980 Comp., Volume V," and as revised at 48 FR 52798 (November 22, 1983), which changed the system's numerical designation from (03VA042) to (03VA071).

This system is being deleted because the computer tapes on which the system's information and data are stored have deteriorated to the point that they are unusable.

This deletion is administrative in nature and public comment is not required.

Dated: April 23, 1984.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 84-11395 Filed 4-26-84; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 83
Friday, April 27, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION

April 19, 1984.

FCC To Hold Open Commission Meeting, Thursday, April 26, 1984

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, April, 26, 1984, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W. Washington, D.C.

Agenda, Item No., and Subject

General—1—Subject: Authorization of spread spectrum and other wideband emissions not presently provided for in the FCC Rules and Regulations Summary: This NPRM proposes changes in Part 15 of the Rules to allow spread spectrum usage for low power communication devices operating on frequencies above 70 MHz. Special protection from interference is given to the Radio Astronomy, Safety and TV bands. Changes in Part 90 of the Rules are also being proposed to allow law enforcement officers to operate direct sequence and time hopping spread spectrum transmitters on selected frequencies in the Police Radio Service.

Private Radio—1—Subject: (1) *Memorandum Opinion and Order* addressing a Petition for Reconsideration and a Joint Petition for Reconsideration or Rule Making of the Commission's previous *Memorandum Opinion and Order*, Docket No. 20846, which amended the rules governing interconnection above 800 MHz. Summary: The Commission will consider a *Memorandum Opinion and Order* addressing a Petition for Reconsideration and a Joint Petition for Reconsideration or Rule Making, of the Commission's *Memorandum Opinion and Order*, Docket No. 20846; 48 FR 29512 (June 27, 1982).

Subject: (2) *Notice of Proposed Rule Making* proposing to amend Part 90 of the Commission's Rules by eliminating geographic and other restrictions imposed on the interconnection of private land mobile stations with the public switched telephone network below 800 MHz, in conformance with the interconnection rules adopted above 800 MHz. Summary: The Commission will consider a *Notice of Proposed Rule Making* amending Part 90 of the Commission's Rules by proposing to eliminate geographic and other restrictions imposed on the interconnection of private land mobile stations with the public switched telephone network below 800 MHz.

Subject: (3) *Order* amending Part 90 of the Commission's Rules by immediately eliminating certain restrictions below 800 MHz in order to allow private licensees an users to obtain telephone service from an authorized carrier, individually or jointly on a non-profit cooperative basis or on a shared non-resale basis through ordering agents, in conformance with the rules adopted to govern such arrangements above 800 MHz. Summary: The Commission will consider and *Order* amending Part 90 of the Commission's Rules by immediately eliminating restrictions imposed on the interconnection of private land mobile stations with the public switched telephone network below 800 MHz, in order to allow private licensees and users to obtain telephone service from an authorized carrier on a non-profit cooperative basis or on a shared non-resale basis through ordering agents.

Private Radio—2—Title: *Memorandum Opinion and Order* in the Matter of the Lottery Proceeding for Selection Among Competing 800 MHz SMR Applications in the Detroit, Michigan and Cleveland, Ohio areas. Summary: The Commission will consider whether to select the above applicants by lottery.

Private Radio—3—Title: Memorandum Opinion and Order in the Matter of Application for Review by Specialized Mobile Radio System licensee AirCall of California, Inc. regarding an action by the Chief, Private Radio Bureau canceling 15 channels each of two 800 MHz SMR/Trunked authorizations in accordance with Sections 90.366(d) and (f) of the Commission's Rules. Summary: The Commission will consider AirCall's arguments that should be permitted to retain its 20 channel authorizations.

Common Carrier—1—Title: First Report and Order, General Docket No. 80-113 Summary: The Commission will consider the adoption of certain technical rules for the Multipoint Distribution Service.

Common Carrier—2—Title: Further Notice of Proposed Rulemaking and Notice of Inquiry in General Docket No. 80-113. Summary: The Commission will consider proposing certain new technical rules for the Multipoint Distribution Service and will institute and inquiry into the use of boosters for that service.

Common Carrier—3—Title: Memorandum Opinion and Order, General Docket No. 80-112. Summary: The Commission will consider three petitions to reconsider its Order allocating spectrum for Multichannel Multipoint Distribution Service, and will consider clarification of the leasing and grandfathering provisions of that Order.

Common Carrier—4—Title: Application of Chesapeake & Potomac Telephone Co. of Virginia for Construction Permits for Digital Termination Systems in the Digital Electronic Message Service. Summary: The Commission will consider the above applications for construction permits for Richmond, Va. and Norfolk, Va., as well as petitions to deny the applications.

Common Carrier—5—Title: Regulatory Policies and Procedures for the Domestic Public Land Mobile Radio Service. Summary: The Commission will consider adoption of objective need standards for applications requesting one additional one-way frequency in the Public Mobile Services.

Common Carrier—6—Title: Applications for Review filed by Swallow Communications, South Texas Mobilephone, Inc., and Green County Mobilephone, Inc. pursuant to Section 1.115 of the Commission's rules. Summary: The Commission will consider whether the captioned cellular applications, which were filed one day late for the single-day filing for the second thirty cellular markets, were properly returned by the Common Carrier Bureau.

Common Carrier—9—Title: Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service. Summary: The Commission will consider petitions for reconsideration of the Westar V orbital assignment; as well as the request of RCA American Communications, Inc. for reassignment of the orbital assignment for its third 12/14 GHz domestic satellite (File No. 2188-DSS-MP/ML-83).

Common Carrier—10—Title: First Report and Order in CC Docket No. 81-216. Summary: The Commission will consider the matter of the installation of business and residential one- and two-line (non-system) premises telephone wiring under Part 68. It will also consider a definition of "demarcation point" for purposes of Part 68 and other Commission decisions.

Mass Media—1—Title: Application for Review of Grant of Assignment of License of FM station WSEX, Arlington Heights, Illinois. Summary: The applicant seeks to have the Commission reconsider the Mass Media Bureau ruling denying his petition for reconsideration.

Mass Media—2—Title: Application for review filed by Quality Broadcasting Corporation of the grant of the consent to the transfer of control of Quality Broadcasting Corporation, licensee of FM station KUDO, Las Vegas, Nevada. Summary: Licensee seeks reversal of the Mass Media Bureau ruling granting consent

to the transfer of 4.5% stock interest on the licensee.

Mass Media—3—Title: License Renewal Applications of Albany Radio, Inc. for Stations WALG and WKAK(FM), Albany, Georgia. Summary: The Commission considers an informal objection filed by the National Black Media Coalition alleging that the licensee has not complied with the Commission's EEO rule.

Mass Media—4—Title: Application for voluntary assignment of license of radio station WXXR (formerly WKUL), Cullman, Alabama, from Cullman Broadcasting Co., Inc., to Piney Hills Broadcasting, Inc., under the Commission's distress sale policy without either having the WXXR license designated for revocation hearing or designating its license renewal application for hearing. Summary: The Commission considers the application for voluntary assignment of license of radio station WXXR (formerly WKUL), Cullman, Alabama, under the Commission's distress sale policy before designating the co-pending license renewal application for hearing.

Mass Media—5—Title: Amendments of Parts 2 and 73 of the Commission's Rules Concerning Use of Subsidiary Communications Authorization. Summary: The Commission will consider Petitions for Reconsideration of the *First Report and Order* in BC Docket No. 82-536, FM subchannels.

Mass Media—6—Title: Applications for License and for Consent to Transfer Control of Station WEVV-TV, Evansville, IN. Summary: The Commission will consider whether to grant these applications.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Sally Lawrence, FCC Public Affairs Office, telephone number (202) 254-7674.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-11536 Filed 4-25-84; 12:29 pm]

BILLING CODE 6712-01-M

2

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, May 2, 1984.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Study of federal margin regulations. (Public Docket No. R-0427)
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: April 25, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-11504 Filed 4-25-84; 10:11 am]

BILLING CODE 6210-01-M

3

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: (49 FR 15653, April 19, 1984)

STATUS: Open/closed meetings.

PLACE: 450 Fifth Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, April 16, 1984.

CHANGE IN THE MEETING: Rescheduling/additional meeting.

An open meeting scheduled for Wednesday, April 25, 1984, at 2:30 p.m., has been rescheduled for Wednesday, April 25, 1984, at 10:00 a.m.

The following item will be considered at a closed meeting scheduled for Wednesday, April 25, 1984 following the 10:00 a.m. open meeting.

Institution and settlement of administrative proceedings of an enforcement nature.

Commissioner Treadway, as duty officer, determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bill Fowler at (202)272-3077.

George A. Fitzsimmons,

Secretary.

April 24, 1984.

[FR Doc. 84-11464 Filed 4-24-84; 4:07 pm]

BILLING CODE 8010-01-M

Federal Register

Friday
April 27, 1984

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions; Notices

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931; as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Arizona: AZ84-5005	Mar. 9, 1984.
Delaware: DE82-3015	June 4, 1982.
Illinois:	
IL83-3052	July 1, 1983
IL83-2053	Aug. 5, 1983.
Louisiana:	
LA84-4008	Feb. 17, 1984.
LA84-4010	Mar. 9, 1984.
Pennsylvania: PA84-3000	Jan. 13, 1984.
Rhode Island: RI83-3042	Aug. 19, 1983.
Texas:	
TX83-4081	Oct. 21, 1983.
TX84-4004	Feb. 3, 1984.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

Kansas:	
KS83-4028 (KS84-4021)	Apr. 15, 1983.
KS83-4029 (KS84-4022)	Apr. 15, 1983.
KS83-4030 (KS84-4023)	Apr. 15, 1983.
KS83-4036 (KS84-4026)	Sept. 9, 1983.
Missouri and Kansas MO84-4009 (MO84-4025).	Feb. 10, 1984.
Nebraska NE83-4085 (NE84-4019)	Dec. 9, 1983.

Signed at Washington, D.C. this 20th day of April 1984.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510-27-M

MODIFICATIONS P 1

DECISION NO. AZ84-5005 - MOD #2 (49 FR 9059 March 9 1984)	Basic Hourly Rates	Fringe Benefits
Statewide Arizona		
Add:		
Plumbers & Pipefitters: Cochise, Gila, Graham Greenlea, Pima Pinal & Santa Cruz	$19 84	3 38
Remainder of County	15 00	3 03

DECISION NO. DE82-3015 - MOD. #12 (47 FR 24526 June 4 1982)	Basic Hourly Rates	Fringe Benefits
State of Delaware		
CHANGE:		
Ironworkers	16 70	5 75

DECISION NO. LA84-4008 - MOD. #2 (49 FR 6205 2/17/84)	Basic Hourly Rates	Fringe Benefits
Calcasieu Par Louisiana		
CHANGE:		
Tile setters	$15 07	1 70

DECISION NO. LA84-4010 - MOD. #3 (49 FR 9064 3/9/84)	Basic Hourly Rates	Fringe Benefits
Statewide Louisiana		
CHANGE:		
Marble, tile & terrazzo workers & finishers:		
Zone 2:		
Tile setters	15 07	1 70

MODIFICATIONS P 2

DECISION NO. IL83-2052 - Mod #6 (48 FR 30576 July 1, 1983)	Basic Hourly Rates	Fringe Benefits
Adams Bond, Boone, Brown Bureau, Calhoun Carroll, Cass, Clinton DeKalb, Fulton, Greene Hancock Henderson Henry, Jersey, JoDaviess, Knox, LaSalle Lee, Livingston, Logan McDonough, McLean, Macoupin Marshall Mason, Menard, Mercer, Monroe, Montgomery, Morgan, Ogle, Pike Putnam, Randolph Rock Island, Schuyler, Scott, Stark, Stephenson, Warren, Washington, Whiteside, Winnebago, and Woodford Counties Illinois		
CHANGE:		
Bricklayers; Caulkers; Cleaners Pointers; & Stonemasons:		
Area 19	$15 10	$1 95
Carpenters; Lathers; Millwright Piledrivermen & Soft Floor Layers:		
Area 1:		
Carpenters, Lathers and Soft Floor Layers	16 105	2 51
Millwrights Piledrivermen	16 605	2 51
Area 2:		
Carpenters, Lathers, Mill Wrights and Soft Floor Layers	16 785	2 90
Area 3:		
Piledrivermen	16 785	2 90
Area 4:		
Millwrights	18 045	3 55
Area 7:		
Millwrights Piledrivermen	18 72	2 40
Area 12:		
Carpenters, Hardwood Floor Layers, Soft Floor Layers	15 80	3 17
Millwrights, Piledrivermen	16 55	3 17
Cement Masons; Plasterers:		
Area 1:		
Cement Masons	14 78	1 53
Area 11:		
Plasterers	15 79	2 95
Area 12:		
Cement Masons	16 90	
Plasterers	16 65	85
Area 13:		
Cement Masons	15 11	2 02
Area 17:		
Cement Masons	16 79	1 32
Electricians:		
Area 2	18 41	1 25+14%
Area 7	18 06	3 25+3 3%
Area 8:		
Electricians	16 34	1 66+8%
Cable Splicers	17 34	1 66+8%
Area 14	17 00	2 40+3½%

DECISION NO. IL83-2053 - Mod #6 (48 FR 35826 August 5, 1983)	Basic Hourly Rates	Fringe Benefits
Alexander, Champaign, Christian, Clark, Clay, Coles, Crawford, Cumberland, Dewitt, Douglas Edgar, Edward, Effingham, Fayette, Ford, Franklin, Gallatin Hamilton Hardin, Iroquois, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Moultrie, Perry, Piatt, Pope Pulaski, Richland, Saline Shelby, Union, Vermillion, Wabash Wayne, White, and Williamson Counties Illinois		
CHANGE:		
Asbestos Workers:		
Area 3	$17 45	$2 42
Bricklayers; Caulkers; Cleaners; Pointers and Stonemasons:		
Area 1	15 10	1 95
Carpenters, Lathers, Mill Wrights, Piledrivermen and Soft Floor Layers:		
Area 1	13 95	2 15
Area 5:		
Carpenters, Piledrivermen and Soft Floor Layers	15 09	2 45
Millwrights	15 49	2.45
Cement Masons & Plasterers:		
Area 3:		
Cement Masons	16 25	1 785
Plasterers	16 47	1 785
Electricians:		
Area 1	18 41	1 25+14%
Area 2	17 00	2 40+3½%
Area 3	17 65	1.05 + 8 35%
Painters:		
Area 5:		
Brush	11 50	1 25
Roller Taping	12 00	1 25
Spray, Sandblasting	12 00	1 25
Area 7:		
Brush	15 01	1 86
Spray, Blast	16 01	1 86
Taping	15 26	1 86
Laborers:		
Area 1	12 95	1 285
Area 7:		
Group 1	14 42	2 05
Group 2	14 62	2 05
Group 3	14 82	2 05

MODIFICAITONS P. 3

DECISION NO. RI83-3042
MOD. #7
(48 FR 37809 - August 19, 1983)
Statewide Rhode Island

CHANGE:

	Basic Hourly Rates	Fringe Benefits
BUILDING CONSTRUCTION		
LABORERS:		
Laborers; Carpenters Tenders; Cement Finisher Tenders; Mason Tenders; Scaffold Erectors & Wrecking Laborers	12.95	2.80
Ashpalt Rakers; Adzeman; Pipe-Trench Bracers; Demolition Burners; Chain Saw Ops.; Fence & Guard Rail Erectors; Setters of Metal Forms for Roadways; Pipelayers; Riprap & Dry Stonewall Builders; Highway Stone Spreaders Pneumatic Tools Ops.; Wagon Drill Ops., Tree Trimmers; Barco Type Jumping Tampers; Mechanical Grinder Ops., Plasterers' Tenders; Scaffold Builders; Mortar Mixers	13.20	2.80
Pre-cast Floor and Roof Plank Erectors	13.45	2.80
Air Track Ops.; Block Pavers; Rammers; & Curb Setters	13.60	2.80
Blasters; Powdermen	13.95	2.80
HEAVY & HIGHWAY CONSTRUCTION		
LABORERS:		
Laborers; Carpenters Tenders; Cement Finisher Tenders; Mason Tenders; Scaffold Erectors & Wrecking laborers	12.95	2.80
Concrete & Power Buggy Ops.; Concrete Saw Ops.; Demolition Burners; Fence & Guard Rail Erectors; Highway Stone Spreaders; Mason Tenders; Mechanical Grinder Ops.; Mortar Mixers; Pipe Trench Bracers; Pneumatic Tool Ops.; Riprap & Dry Stone wall Builders; Scaffold Erectors; Setters of Metal Forms for Roadways; Wagon Drill Ops.; Wood Chipper Ops.;	13.20	2.80
Air Track Drill Ops.; Brick Pavers; Block Pavers; Rammers; Curb Setters	13.70	2.80
Blaster & Powdermen	13.95	2.80

MODIFICATIONS P. 4

DECISION NO. PA84-3000 -
MOD. NO. 3
(49 FR 1851 - January 13, 1984)
Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Mercer, Lawrence, McKean, Mifflin, Potter, Somerset, Venango, Warren, Washington & Westmoreland Counties, Pennsylvania

OMIT:
From Laborers Classification Definitions
Class 3
Reinforcing steel placers (bending, aligning and securing and cod weld)

ADD:
Laborers Classification Definitions
Class 1
To include reinforcing steel placers (bending aligning and securing and cod weld)

DECISION NO. TX83-4081 -
MOD. #5
(48 FR 48912 - 10/21/83)
Travis County, Texas

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Laborers:		
Group 1	$ 9.03	1.10
Group 2	9.18	1.10
Group 3	9.36	1.10
Group 4	9.43	1.10
Group 5	9.58	1.10
Painters:		
Group 1	14.00	
Group 2	14.50	

DECISION NO. TX84-4004 -
MOD. #1
(49 FR 4311 - 2/3/84)
Smith County, Texas

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Electricians:		
Electricians	14.84	.80+ 7-3/8%
Cable splicers	15.43	.80+ 7-3/8%

SUPERSEDEAS DECISION

DECISION NO.: KS84-4021 PAGE 2

STATE: Kansas

COUNTIES: Barber, Barton, Cheyenne, Clark, Comanche, Decatur, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greely, Hamilton, Haskell, Holdgeman, Jewell, Kearny, Kiowa, Lane, Lincoln, Logan, Meade, Mitchell, Morton, Ness, Norton, Osborne, Pawnee, Phillips, Pratt, Rawlings, Rice, Rooks, Rush, Russell, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Thomas, Trego, Wallace and Wichita

DECISION NO.: KS84-4021 DATE: Date of Publication

Supersedes Decision NO. KS83-4028, dated April 15, 1983, in 48 FR 16408.

DESCRIPTION OF WORK: Highway Projects (does not include bridges over nevagable waters, Tunnels; Building structures in rest area projects; failroad construction) and Water and Sewer Line Construction.

AREA I

HEAVY-RAILROAD-WATER & SEWER LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS
Asphalt Paver Screed Operator	$6.48	
Asphalt Paving Machine Operator	6.74	
Asphalt Plant Operator	7.47	
Asphalt Raker	5.73	
Backhoe Operator	7.50	
Batching Plant Scaleman	5.63	
Blowing Mechanism or Mulch Seeder Operator	7.00	
Brick, Block and Stonesetter	8.20	
Bulldozer Operator (Push Cat)	7.61	
Carpenter	8.00	
Carpenter (rough)	6.16	
Concrete Finisher	6.94	
Crane or any Machine Power Swing	8.19	
Crusher and Screening Plant Operator	6.58	
Distributor Operator	6.68	
Electrician	7.94	
Fence Erector	7.75	
Form Liner and Setter	5.90	
Front End Loader Operator	6.70	
Laborer (Construction)	5.37	
Mechanic	7.29	
Mechanic Helper	7.00	
Motor Grader Operator (finish)	8.26	
Motor Grader Operator (rough)	7.45	
Motor Scraper Operator	7.55	
Painters (Structural Steel & Bridge)	8.00	
Paving Equipment Operator	7.71	
Piledrivermen	6.25	
Post Driver and/or Auger Operators	6.50	
Reinforcing Steel Setter	7.80	
Roller/Compactor Operator (self-propelled)	6.28	
Rotary Broom Operator	6.00	
Rotomill Operator	6.98	
Sandblaster (Structural Steel & Bridge)	8.00	
Serviceman (Equipment)	6.13	
Spreader Box Operator (self-propelled)	6.00	
Tank Heater Attendant	4.25	
Tractor Operator (80 HP or less)	5.25	
Tractor Operator (80 HP or more)	6.49	
Trenching Machine Operator	7.35	
Truck Driver (Single Axle)	5.53	
Truck Driver (tandem axle)	5.81	
Truck Driver (triple axle & semi)	6.00	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Kansas COUNTY: Sedgwick
DECISION NO.: KS84-4022 DATE: Date of Publication
Supersedes Decision No. KS83-4029, dated April 15, 1983, in 48 FR 16409.
DESCRIPTION OF WORK: Highway Projects (does not include bridges over navigable waters, tunnels; Building structures in rest area projects; Railroad construction) and Water and Sewer Line Construction.

AREA II

HEAVY-RAILROAD-WATER & SEWER LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS
Asphalt Paver Screed Operator	$8.00	
Asphalt Paving Machine Operator	8.25	
Asphalt Plant Operator	7.00	
Asphalt Raker	7.20	
Backhoe Operator	8.03	
Bulldozer Operator (Push Cat)	8.85	
Carpenter	8.86	
Carpenter (rough)	7.85	
Concrete Central Mix Plant Operator	7.88	
Concrete Finisher	8.69	
Concrete Saw Operator	7.50	
Crane or any Machine Power Swing	8.44	
Crusher and Screening Plant	9.15	
Distributor Operator	7.88	
Electrician	11.50	
Form Liner and Setter	8.08	
Front End Loader Operator	7.70	
Laborer (Construction)	6.36	
Mechanic	8.60	
Mechanic Helper	7.50	
Motor Grader Operator (finish)	9.02	
Motor Grader Operator (rough)	7.65	
Motor Scraper Operator	7.75	
Painters (structural steel & bridge)	8.00	
Paving Equipment Operator	8.23	
Pavement Breaker Tamper Operator (self-propelled)	5.00	
Piledrivermen	6.50	
Reinforcing Steel Setter	6.55	
Roller/Compactor Operator (self-propelled)	7.76	
Rotomill Operator	5.75	
Sandblaster (structural steel & bridge)	8.00	
Servicemen (equipment)	7.43	
Tractor Operator (80 HP or less)	6.86	
Tractor Operator (80 HP or more)	8.00	
Trenching Machine Operator	7.25	
Truck Driver (single axle)	6.69	
Truck Driver (tandem axle)	6.30	
Truck Driver (triple axle and semi)	8.00	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Kansas COUNTIES: Allen, Anderson, Atchinson, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Riley, Saline, Sumner, Wabaunsee, Washington, Wilson, & Woodson
HIGHWAY CONSTRUCTION - Geary, Riley, Labette and Saline Counties ONLY
DECISION NO. KS84-4023 DATE: Date of Publication
Supersedes Decision No. KS83-4030, dated April 15, 1983, in 48 FR 16409.
DESCRIPTION OF WORK: Highway Projects (does not include bridges over navigable waters, tunnels; Building structures in rest area projects; Railroad construction) and Water and Sewer Line Construction.

AREA III

HEAVY-RAILROAD-WATER & SEWER LINE CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS
Asphalt Paver Screed Operator	$ 7.33	
Asphalt Paving Machine Operator	9.01	
Asphalt Plant Operator	9.50	
Asphalt Raker	7.33	
Backhoe Operator	7.44	
Batching Plant Scaleman	4.75	
Blowing Mechanism or Mulch Seeder Operator	6.67	
Brick, Block and Stonesetter	6.28	
Bulldozer Operator (Push Cat)	7.73	
Carpenter	8.45	
Carpenter (rough)	6.69	
Concrete Central Mix Plant Operator	7.30	
Concrete Finisher	9.62	
Concrete Saw Operator	6.12	
Crane or any Machine Power Swing	9.53	
Crusher and Screening Plant Operator	5.00	
Distributor Operator	7.11	
Electrician	8.27	
Form Liner and Setter	6.62	
Front EndLoader Operator	9.17	
Laborer (Construction)	5.87	
Mechanic	9.72	
Mechanic Helper	6.87	
Motor Grader Operator (finish)	8.52	
Motor Grader Operator (rough)	8.03	
Motor Scraper Operator	7.68	
Painters (structural steel & bridge)	8.02	
Paving Equipment Operator	9.00	
Piledriverman	6.87	
Post Driver and/or Auger Operator	8.00	
Reinforcing Steel Setter	7.92	
Roller/Compactor Operator (self-propelled)	8.42	
Rotary Broom Operator	5.35	
Rotomill Operator	6.25	

DECISION NO.: KS84-4023

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	BASIC HOURLY RATES	FRINGE BENEFITS
Sandblaster (structural steel & bridge)	6.00	
Serviceman (equipment)	8.95	
Spreader Box Operator (self-propelled)	7.70	
Steelworker (structural)	10.15	
Tractor Operator (80 HP or less)	6.15	
Tractor Operator (80 HP or more)	6.49	
Trenching Machine Operator	5.35	
Truck Driver (single axle)	7.50	
Truck Driver (tandem axle)	7.23	
Truck Driver (triple axle and semi)	8.04	
Welder	7.98	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: KANSAS

COUNTIES: Douglas, Jefferson, Leavenworth, Miami and Shawnee

DECISION NO.: KS84-4026

DATE: Date of Publication

Supersedes Decision No. KS83-4066, dated September 9, 1983 in 48 FR 40838.

DESCRIPTION OF WORK: Highway Construction.

	Basic Hourly Rates	Fringe Benefits
CARPENTERS & PILEDRIVERMEN:		
Zone 1	$11.20	1.80
Zone 2	16.05	2.67
Zone 3	15.14	1.80
CEMENT MASONS:		
Zone 1	15.17	2.33
Zone 2	12.50	1.05
Zone 3	12.20	1.05
ELECTRICIANS:		
Zone 1	16.18	10%+ 2.51
Zone 2	15.55	3%+ 2.13
IRONWORKERS	16.25	4.25
LINE CONSTRUCTION:		
Zone 1:		
Lineman	17.80	8½%+ 1.00
Lineman Operator	16.60	8½%+ 1.00
Groundman Powderman	12.47	8½%+ 1.00
Groundman	11.87	8½%+ 1.00
Zone 2:		
Lineman	15.97	3½% +1.00
Cable Splicers	16.77	3½% +1.00
Groundman	9.67	3½% +1.00
Powderman	13.19	3½% +1.00
Line Truck & Equipment Operator	13.19	3½% +1.00
LABORERS:		
Zone 1		
Group 1	7.65	2.30
Group 2	7.80	2.30
Group 3	7.90	2.30
Group 4	8.05	2.30

	Basic Hourly Rates	Fringe Benefits
LABORERS (Cont'd):		
Zone 2		
Group 1	$8.45	2.30
Group 2	8.60	2.30
Group 3	8.70	2.30
Group 4	8.85	2.30
Zone 3		
Group 1	9.05	2.05
Group 2	9.20	2.05
Group 3	9.30	2.05
Group 4	9.45	2.05
Zone 4		
Group 1	8.00	2.30
Group 2	8.15	2.30
Group 3	8.25	2.30
Group 4	8.40	2.30
POWER EQUIPMENT OPERATORS		
Zone 1: Leavenworth County		
Group 1	14.60	4.07
Group 2	14.35	4.07
Group 3	13.65	4.07
Group 4:		
Oiler	9.63	4.07
Oiler Driver, all types	12.65	4.07
Zone 2: Jefferson, Miami, Douglas & Shawnee Cos.:		
Group 1	12.87	2.70
Group 2	12.62	2.70
Group 3	12.37	2.70
Group 4	12.02	2.70
Group 4A	12.12	2.70
TRUCK DRIVERS		
Zone 1: Leavenworth & Miami Counties:		
Group 1	13.16	4.00
Group 2	13.36	4.00
Group 3	13.67	4.00
Group 4	13.82	4.00
Group 5	12.94	4.00
Zone 2: Douglas Shawnee & Jefferson Cos.		
Group 1	9.40	1.75
Group 2	9.50	1.75
Group 3	9.65	1.75

ZONE DESCRIPTIONS

CARPENTERS AND PILEDRIVERMEN:
Zone 1: Douglas, Shawnee and Jefferson Counties
Zone 2: Leavenworth County
Zone 3: Miami County

CEMENT MASONS:
Zone 1: Leavenworth and Miami Counties
Zone 2: Douglas and Shawnee Counties
Zone 3: Jefferson County

ELECTRICIANS:
Zone 1: Leavenworth County (Delaware, High Prairie & Kickapoo Townships) City of Leavenworth & Fort Leavenworth Military Reservation
Zone 2: Douglas, Jefferson, Miami, Shawnee and the remainder of Leavenworth County

LINE CONSTRUCTION:
Zone 1: Leavenworth County, north of Fairmont, Strainger, and Tanganoxie Townships
Zone 2: Douglas, Jefferson, Miami, Shawnee Counties, and remainder of Leavenworth County

LABORERS:
Zone 1: Jefferson County
Zone 2: Douglas and Shawnee Counties
Zone 3: Leavenworth County
Zone 4: Miami County

TRUCK DRIVERS
Zone 1:
Group 1 - Mechanics and Welders
Group 2 - A-frame lowboy - boom truck drivers
Group 3 - Material Trucks, Tandem Two Teams; Semi-trailers; Winch Trucks-Fork Trucks; Distributor Drivers and Operators; Agitator and Transit Mix, Tank Wagon Drivers, Single Axle; Tank Wagon Drivers; Tandem or Semi-trailer; Isley Wagons; Dump Trucks, Excavator, 5 cu. yds. and over; Dumpsters; Half-tracks; Speedace; Euclids and other similar excavating equipment
Group 4 - One Team; Station Wagons; Pickup Trucks; Material trucks, single axle; Tank Wagon Drivers, single axle
Group 5 - Oilers and Greasers

ZONE DESCRIPTIONS - (Cont'd)

TRUCK DRIVERS: (Cont'd)
Zone 2:
Group 1 - Pickups; Panel Trucks; Station Wagons; Flat Beds; Dump and Batch Trucks, single axle
Group 2 - Tandem Trucks; Warehousemen or Partsmen; Mechanic Helpers and Servicemen
Group 3 - Lowboys; Semi-trailers; all Transit Mixer Trucks (single or tandem axle); A-frame and Winch Trucks when used as such; Euclid, End and Bottom Dump; Tournarockers, Atheys, Dumpsters and similar off-road equipment and mechanics on such equipment

CLASSIFICATION DEFINITIONS

LABORERS
Group 1: Board Mat Weavers and Cable Tiers; Georgia Buggy (manually operated); Mixerman-on skip lift; Salamander Tenders; Track Men; Tractor Swamper; Truck Dumper; Wire Mesh Setter; Water Pump, up to 4 inches and all other General Laborers
Group 2: Air Tool Operators; Cement Handlers (bulk); Chain Saw; Georgia Buggy (mechanically operated); Grademen; Hot Mastic Kettlemen; Crusher Feeder; Joint Man; Jute Man; Mason Tender; Material Batch Hopper and Scale Man; Mixer Man; Pier Hole Man working 10 feet deep; Pipelayer-drainage (concrete and/or corrugated metal); Signal Man (crane); Truck Dumper-Dry Batch; Vibrator Operator; Wagon and Churn Drill Operator
Group 3 - Asphalt Raker; Barco Tamper; Concrete Saw; Creosote Material, handling and applying; Nozzle Burner (cutting torch and burning bar)
Group 4 - Conduit Pipe; Water and Gas Distribution Lines; Tile and Duct Line Setter; Form Setter and Liner on concrete paving; Powderman; Sandblasting and Gunite Nozzleman; Sanitary Sewer pipe Layer; Steel Plate Structure Erectors

POWER EQUIPMENT OPERATORS
Zone 1: Leavenworth County:
Group 1 - Asphalt Paver and Spreader; Asphalt Plant Console Operator; Auto Grader; Back Hoe; Blade Operator, all types; Boiler, 2; Booster Pump on Dredge; Boring Machine (truck or crane mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator, 2; Concrete Plant Operator, Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineman; Dredge Operator; Drillcat with compressor mounted on cat; Drilling or Boring Machine; Rotary, self-propelled; High Loader-Fork Lift; Locomotive Operator, standard guage; Mechanics and Welders; Maintenance Operator; Mucking Machine; Pile Driver Operator; Pitman Crane Operator; Pump, 2; Quad-trac; Scoop Operator, all types; Scoops in Tandem; Self-propelled Rotary Drill (Leroy or equal-not

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS: (Cont'd)

Air Trac); Shovel Operator; Side Discharge Spreader; Sideboom Cats; Skimmer Scoop Operator; Slip-form Paver (CMI, REX, or equal); Throttle Man; Truck Crane; Welding Machine Maintenance Operator, 2; Hoisting Engine, 2; Active Drums

Group 2: "A" Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, drum or boiler; Asphalt Plant Mixer Operator; Asphalt Plant Man; Asphalt Roller Backfiller Operator; Chip Spreader; Concrete Batch Plant, dry power operated; Concrete Mixer Operator; Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser, hoisting engine, 1 drum; Latourneau Rooter; Multiple Compactor; Pavement Breaker, self-propelled of the Hydra-hammer or similar type; Power Shield; Pug Mill Operator; Stump Cutting Machine; Towboat Operator; Tractor Operator, over 50 H.P.

Group 3: Boilers, 1; Chip Spreader (Front Man); Churn Drill Operator; Compressor Maintenance Operator, 1; Concrete Saws, self-propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Pump; Pump Maintenance Operator, other than Dredge; Roller Operator, other than high type asphalt; Screening and Washing Plant Operator; Self-propelled Street Broom or Sweeper; Siphons and Jets; Sub-grading Machine Operator; Tank Car Heater Operator, combination boiler and booster; Tractor, 50 H.P. or less without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator, 1

Group 4:
Oilers
Oiler driver, all types

FOOTNOTE:
HOURLY PREMIUMS
FOLLOWING CLASSIFICATIONS SHALL RECEIVE ($.25) ABOVE GROUP 1 RATE
Clamshells, 3 yd. capacity or over; crane or rigs, 80 ft. boom or over (including jib); draglines, 3 yd. capacity or over; pile drivers, 80 ft. of boom or over (including jib); shovels & backhoes, 3 yd. capacity or over.

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS
Zone 2: Jefferson, Miami, Douglas & Shawnee Counties:

Group 1 - Asphalt Paver & Spreader; Backhoe; Boring Machine; Blades, all types; Clamshell; Concrete Mixer Paver Operator; Concrete Plant Operator (automatic); Crane; Truck Crane; Pitman Crane; Hydro Crane or any machine with power swing; Derrick or Derrick Trucks; Dragline Operator; Dredge Operator; Dozer; Ditching Machine; Euclid Loader; Hoist, 2 active drums; Loader, all types; Mechanic or Welder; Mixermobile; Multi-unit Scraper; Piledriver Operator; Power Shovel Operator; Quad Track; Scoop Operator, all types; Sideboom Cat, Cherry Picker; Skimmer Scoop Operator; Pushcat Operators

Group 2 - Asphalt Plant Operator; Elevating Grader Operator

Group 3 - A-frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Backfiller Operator; Barber Green Loader; Boiler, other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator, Skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator, concrete; Fireman, other than asphalt; Flex Plane Operator; Fork Lift; Form Grader Operator; Greaser; Hoist, 1 drum; Jeep Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over; two; Pump Operator, other than Dredge Screening and Wash Plant Operator; Small Machine Operator; Spreader Box Operator, self-propelled; Tractor Operator, over 50 H.P.; Self-propelled Roller Operator, other than Asphalt Siphons and Jets; Subgrading Machine Operator; Tank Car Heater Operator; Combination Booster and Boilers; Towboat Operator; Vibrating Machine Operator, hot hand

Group 4 - Concrete Gang Saw, Self-propelled (con-cut); Conveyor Operator; Harrow, disc. Seeder; Oiler; Tractor Operator, 50 H.P. or less without attachments

Group 4A - Oiler; Motor Crane

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Missouri & Kansas

COUNTIES: Cass,Clay,Jackson,Platte, Ray,Henry,Johnson & Lafayette Cos., Missouri; Johnson & Wyandotte Cos., Kansas

DECISION NO.: MO84-4025

DATE: Date of Publication

Supersedes Decision No. MO84-4009 dated February 10, 1984 in 49 FR 5289.

DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including 4 stories) and heavy and highway construction in Johnson & Wyandotte Cos., Kansas only.

	Basic Hourly Rates	Fringe Benefits
Asbestos Workers	$17.29	$4.26
Boilermakers	17.345	3.00
Bricklayers & Stonemasons	15.94	2.60
Carpenters:		
Zone 1-Cass,Clay,Jackson,Lafayette,Platte & Ray Cos., Mo.; Johnson & Wyandotte Cos.,Kansas:		
Carpenters, Lathers, Millwrights & Pile-drivermen	16.05	2.60
Zone 2-Henry County, Mo.:		
Carpenters & Lathers	14.15	2.60
Millwrights & Pile-drivermen	16.05	2.60
Zone 3-Johnson Co., Mo.:		
Carpenters & Lathers	14.775	2.60
Millwrights & Pile-drivermen	16.05	2.60
Cement Masons (Building Construction):		
Zone 1-Cass,Clay,Jackson,Lafayette,Platte & Ray Cos., Mo.; Johnson & Wyandotte Cos., Kansas:		
Cement Masons	15.775	2.075
Zone 2-Henry & Johnson Cos., Mo.	13.98	
Cement Masons (Heavy & Highway Construction):		
Johnson & Wyandotte Cos., Kansas	15.17	2.33
Electricians:		
Zone 1-Western half of Clay & Jackson Cos., Mo. not including Blue Springs; Northern half of Platte Cos., Mo.; Northwestern portion of Cass Cos., Mo. not including Pleasant Hill:		
Electricians	16.18	10%+ 2.51
Electricians (Cont'd):		
Zone 2-Henry,Johnson & Lafayette Cos.,, Mo. & remainder of Clay, Jackson,Platte & Cass Cos., Mo.:		
Electricians (contracts exceeding 2,000 man hrs.	16.18	10%+ 2.51
Electricians (contracts not exceeding 2,000 man hrs.	15.18	10%+ 2.51
Zone 3-Ray Cos., Mo.:		
Electricians (contracts exceeding 2,000 man hrs.	16.18	10%+ 2.51
Electricians (contracts not exceeding 2,000 man hrs.	14.58	10%+ 2.51
Zone 4-Johnson & Wyandotte Cos.,Kansas	16.18	10%+ 2.51
Elevator Constructors	16.53	2.465 +a
Elevator Constructors' Helpers	70%JR	2.465 +a
Elevator Constructors' Helpers (Prob.)	50%JR	
Glaziers	14.24	2.96+ 17.14%
Ironworkers:		
Zone 1-Cass,Clay,Jackson,Platte,Ray,Henry, Johnson & Lafayette Cos., Mo.; Johnson & Wyandotte Cos.,Kansas	16.25	4.25

	Basic Hourly Rates	Fringe Benefits
Laborers:		
Building Construction:		
Zone 1-Cass,Clay,Jackson,Lafayette,Platte & Ray Cos.,Mo.; Johnson & Wyandotte Cos., Kansas:		
Group 1	$13.35	2.15
Group 2	13.50	2.15
Group 3	13.65	2.15
Zone 2-Henry & Johnson Cos., Mo.:		
Group 1	9.825	2.90
Group 2	9.925	2.90
Group 3	10.15	2.90
Site preparation & grading, Heavy & Highway Construction:		
Zone 3-Johnson & Wyandotte Cos.,Kansas:		
Group 1	12.52	3.45
Group 2	13.32	3.45
Line Construction:		
Zone 1-Cass,Clay,Jackson,Platte & Ray Cos., Mo.;Wyandotte & remainder of Johnson Cos., Kansas:		
Linemen	17.80	8½% +1.00
Linemen Operator	16.60	8½% +1.00
Groundman	11.87	8½% +1.00
Zone 2-Western 3/4 of Johnson Co., Kansas:		
Lineman	15.50	3½% +.65
Cable Splicers	16.28	3½% +.65
Groundman	9.56	3½% +.65
Powderman	12.81	3½% +.65
Line Truck & Equipment Operators	12.81	3½% +.65
Line Construction (Cont'd):		
Zone 3-Cass,Clay,Jackson,Platte,Ray,Henry, Johnson & Lafayette Cos., Mo.; Wyandotte Co. & Johnson Co.-that portion east of Monticello,Olathe & Spring Hill Townships Kansas:		
Line Construction (Telephone & telegraph Work including C.A.T.V. work):		
Cable Splicers;air pressure technicians;central office equipment man	10.96	3%+.45
Telephone lineman & installer repairman;C.A.T.V. terminator;equipment operator (¼ yd. backhoe & larger & D-4 Crawlers & larger:	10.39	3%+.45
Equipment operator (trenchers & all other equipment)	9.11	3%+.45
Groundman-winch driver	7.87	3%+.45
Groundman	6.36	3%+.45
Line Construction (Railroad & Cross Country Transmission Lines):		
Zone 4-Wyandotte Co. & Johnson Co.-that portion east of Monticello Olathe & Spring Hill Townships:		
Lineman	15.50	3½%+ 1.06
Lineman Operator	14.36	3½%+ 1.06
Groundman, Powderman	10.79	3½%+ 1.06
Groundman	10.09	3½%+ 1.06

	Basic Hourly Rates	Fringe Benefits
Line Construction (Cont'd):		
Pole Treating:		
Pole treating specialist	$16.24	3½%+ 1.06
Pole treating inspector	15.50	3½% +1.06
Pole treating truck driver	10.79	3½% +1.06
Pole treating groundman	10.09	3½% +1.06
Marble & Tile Setters	16.55	10%
Marble & Tile Setters Finishers	14.40	
Painters:		
Zone 1-Cass,Clay,Henry, Jackson,Johnson (excluding Whiteman APB), Lafayette,Platte & Ray Cos.,Mo.; Johnson & Wyandotte Cos.,Kansas:		
Brush & Tapers	16.49	1.55
Spray	17.49	1.55
Zone 2-Johnson Co.,Mo. Whiteman APB only):		
Brush	14.25	
Spray	15.25	
Plasterers:		
Zone 1-Cass,Clay,Jackson,Lafayette,Platte & Ray Cos.,Mo.;Johnson & Wyandotte Cos.,Kansas	17.60	
Zone 2-Henry & Johnson Cos.,Mo.	13.66	
Pipefitters	17.44	3.22
Plumbers	17.96	2.70
Power Equipment Operators:		
Building Construction:		
Group I	15.86	4.05
Group II	15.51	4.05
Group III:		
(a)	10.45	4.05
(b)	13.61	4.05
(c)	11.25	4.05
(d)	13.86	4.05
Group IV	16.11	4.05
Group V	15.76	4.05
Group VI	16.36	4.05

	Basic Hourly Rates	Fringe Benefits
Power Equipment Operators (Cont'd):		
Group VII:		
(a)	15.71	4.05
(b)	15.46	4.05
(c)	13.46	4.05
Group VIII	16.86	4.05
Group IX	16.36	4.05
Site preparation & grading, Heavy & Highway Construction:		
Zone 1-Johnson & Wyandotte Cos.,Kansas:		
Group I	14.60	4.07
Group II	14.35	4.07
Group III	13.65	4.07
Group IV:		
Oilers	9.63	4.07
Oiler drivers (all types)	12.65	4.07
Roofers:		
Roofers	15.68	2.71
Sheet Metal Workers	16.75	2.78
Soft Floor Layers	12.44	1%+ 3.34
Sprinkler Fitters	19.28	3.21
Sprinkler Fitters (Heavy, Johnson & Lafayette Cos., Mo.)	16.67	2.83
Terrazzo Workers:		
Terrazzo Workers	15.31	10%
Terrazzo Workers Finishers	13.58	
Terrazzo Base Machine	13.93	
Truck Drivers:		
Building Construction:		
Group I	14.335	2.75
Group II	14.385	2.75
Group III	14.46	2.75
Group IV	14.585	2.75
Group V	14.485	2.75
Group VI	14.685	2.75
Group VII	14.535	2.75
Group VIII	14.435	2.75
Truck Drivers:		
Site preparation & grading,Heavy & Highway Construction:		
Zone 1-Johnson & Wyandotte Cos.,Kansas		
Group I	13.82	4.00
Group II	13.67	4.00
Group III	13.36	4.00
Group IV	13.16	4.00
Group V	12.94	4.00

FOOTNOTE: a-Employer contributes 8% of basic hourly rate for over 5 yrs. of service & 6% of basic hourly rate for 6 mos. to 5 yrs. service as Vacation Pay Credit. Also 7 paid holidays.

CLASSIFICATIONS DEFINITIONS

LABORERS - (Building Construction Zone 1):

Group 1 - General labor; wiremesh handlers or setters; carpenter tender; truck men; signalmen; salamander tenders; window cleaners; floor cleaners; landscape man; sod layers; wrecker (for alterations or entire projects)

Group 2 - Plumber laborers (conduit pipe, sewer work, drain tile and duct lines, digging and power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer, and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch winch operators; swinging scaffolds cutting torch or burner men; georgia buggies (self-propelled) fork lift; hoseman; insulation man

Group 3 - Fork lift (masonry); brick tender; plasterer tender;stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding) Barco, Jackson or similar tamp operators; asphalt rakers; powdermen; mastic hot kettle men; sandblasting and gunnite nozzlemen; wagon and churn drill operators

LABORERS: (Zone 2):

Group 1 - Carpenter tenders, track men, wreckers (alteration or entire projects); reinforcing rod carriers; signal men; all other general laborers

Group 2 - Plumber laborers; stonemason tenders; air tool operators, sewer work, water lines, conduit pipe, drain tile and duct lines; batter board man or pipe & ditch work; pier hole men working below ground; vibrator man; jackhammer & chipping hammer operators; material batch hopper man; scaleman; spreader or screed man on asphalt machine; chain or concrete sawman; brush feeders or pulverizers; swinging scaffold; cement handlers (buck or sack); laser beam man

Group 3 - Plasterer tenders; hod carriers; brick tender; cutting torch & burner men; asphalt rakers; barco tampers; jackson or any similar tamps; power buggy operator; powderman; mastic kettlemen; sandblasting & gunnite nozzlemen; head pipe layer or sewer work; man working in tunnels; head form setters & stringline men; hot tar applicator

LABORERS: (Site Preparation) (Zone 3)

Group 1 - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; loading trucks under bins, hoppers and conveyors track men and all other general laborers, air tool operators; cement handler (bulk or sack); chain or concrete saw; deckhands; dump man on earth fill; grade checkers cuts and fills; georgia buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from groundup; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; puddlers (paving only); crusher feeder; men handling creosote ties or creosote materials; men

CLASSIFICATION DEFINITIONS - (Cont'd)

LABORERS: (Site Preparation) (Cont'd):
working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working underground tunnels where compressed air is not used

Group 2- Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson on any similar tamp wagon driller; churn drills; air track drills and all other similar drills; form setters; cutting torch man; liners and strigline man on concrete paving, curbs, gutters and tec.; hot mastic kettleman; hot tar applicator; hand blade operator; manhole builders helpers and mortar men on brick or block manholes; sandblasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels; manhole builder (brick or block); dynamite and powder man

POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION)

Group I - Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; back fillers; backhoe; barbergreene loader; blade-power; boats-power; boilers (2); boring machines; cableways; cherry pickers; chip spreader; concrete ready-mix plant, portable (job site); concrete mixer paver; crane-overhead; cursher, rock; derricks and derricks cars (power operated); ditching machines; dozers; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power travel; loaders; mechanic and welder; mucking maching; orange peels; pumps - material; push cats; scoops; self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man; locomotives

GROUP II - Boilers (1); Brooms - power operated; chip spreader (front man); clef plane operator; compressors (1) 125' or over; concrete saws; self-propelled; crab - power operated; curb finishing machine; firemen on rigs; flex plane; floating machine; form grader; greaser; hoist, endless chain - power operated; hopper - power operated; hydra hammer; lad-a-vator - similar type; rollers; siphons, jets, and jennies, sub-grader; tractors over 50 h.p.; compressors (2) 125' ft. or over not more than 20' apart; compressors-tandem; compressors single, truck mounted; elevator; finishing machine

GROUP III
(a) Oilers
(b) Fork lift-masonry
(c) Oiler driver
(d) A-frame trucks; fork lift-all types (except masonry); mixers (w/side loaders); pumps (w/well points) dewatering systems, test or pressure pumps; tractors (except when hauling material) less than 50 h.p.

GROUP IV
Clamshells, 100 ft. of boom or over (excluding jib); crane or rigs, 100 ft. of boom or over (excluding jib): draglines, 100 ft. of boom over (excluding jib); pile drivers, 100 ft. of boom or over

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION

Group V
Hoists - each additional drum over 1 drum

Group VI
Crane or rigs, over 200 ft. of boom

Group VII
Ready Mixed Concrete Plants;
(a) Crane operator
(b) Loader operator & plant man
(c) Conveyor Operator

Group VIII
Master Mechanic

Group IX
Crane - tower or climbing

POWER EQUIPMENT OPERATORS: (Site Preparation)

Group I - Asphalt paver and spreader; asphalt plant console operator; auto grader; backhoe; blade operator, all types; boilers - 2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator - 2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader - fork lift; hoistline engine - 2 active drums; locomotive operator, standard guage; mechanics and welders; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump - 2; push cat op.; quad-track; scoop operator - all types; scoops in tandem; self-propelled rotary drill (leroy or equal not air trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; slip - form paver (CMI, REX, or equal); throttle man; truck crane; welding machine maintenance operator - 2

Group II - A-frame truck, asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; back filler operator; chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader; greaser; hoisting engine - 1 drum; latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydrahammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator tractor operator over 50 h.p.

Group III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator - combination boiler and booster; tractor, 50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator - 1.

CLASSIFICATIONS DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS: (Site Preparation - Cont'd):
Group IV:
Oilers
Oiler driver (all types)

FOOTNOTE:
HOURLY PREMIUMS
FOLLOWING CLASSIFICATIONS SHALL RECEIVE ($.25) ABOVE GROUP I PATE
Clamshells - 3 yd. capacity or over - crane or rigs, 80 ft. boom or over (including jib) - draglines, 3 yd. capacity or over - piledrivers, 80 ft. of boom or over (including jib) - shovels & backhoes, 3 yd. capacity or over.

TRUCK DRIVERS (Building Construction):
Group I - Warehousemen and stock man
Group II - Flat beds; pick-ups; drum trucks, under 10 yds.
Group III - Dump trucks, 10 yds. and over; steel trucks; semi truck drivers
Group IV - Straddle trucks, wheel tractors (when used for towing); hydro lift trucks, hydraulically operated aerial lifts; heavy hauling, A-frame and winch fork trucks; heavy excavating (dumpster, euclid, etc.); double bottom units (20 tons capacity and over)
Group V - Distributor truck drivers and operators; oilers, greasers
Group VI - Mechanics; transit mix tractor trailer
Group VII - Transit mix, 5 yds. and over
Group VIII - Transit mix, under 5 yds.

TRUCK DRIVERS: (Site Preparation)
GROUP I
Mechanics & welders
GROUP II
A-frame low boy - boom truck driver
GROUP III
Insley wagons; dump trucks, excavating, 5 cu. yds and over; dumpsters; half-tracks; speedace; euclids and similar excavating equipment Material trucks, tandem two teams, semi-trailers, winch trucks; fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers, tandem or semi
Group IV
One team; station wagons; pickup truck; material trucks, single axle tank wagon drivers, single axle
Group V
Oilers; greasers

SUPERSEDEAS DECISION

STATE: NEBRASKA COUNTIES: Douglas, Cass, & Sarpy
DECISION NO. NE84-4019 DATE: Date of Publication
Supersedes Decision No. NE83-4085 dated December 9, 1983 in 48 FR 55258
DESCRIPTION OF WORK: Building Construction Projects (Excluding single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$16.68	3.06
BOILERMAKERS	14.97	2.575
BRICKLAYERS, STONEMASONS	12.63	3.30
CARPENTERS:		
Carpenters	13.57	2.10
Piledrivermen, sawmen & Welders	13.705	2.10
Millwrights	13.85	2.10
CEMENT MASONS	13.25	2.45
ELECTRICIANS	15.74	3.05+ 3-1/2%
ELEVATOR CONSTRUCTORS	15.30	a+2.69
ELEVATOR CONSTRUCTORS HELPERS	70%JR	a+2.69
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	50%JR	
FOOTNOTE: a - Employer contributes 8% of basic hourly rate for over 5 years service and 6% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit, also 7 Paid Holidays.		
GLAZIERS	14.73	2.39
IRONWORKERS	12.10	2.90
LABORERS:		
Common laborers	10.41	1.80
Buggymobile oprs., Mortar Mixers, Mason Tenders	10.585	1.80
PLASTERERS TENDERS	10.795	1.80
LATHERS	9.95	2.07
MARBLE SETTERS, TILE & TERRAZZO WORKERS	15.37	.85
MARBLE, TILE & TERRAZZO WORKERS FINISHERS	13.80	

	Basic Hourly Rates	Fringe Benefits
PAINTERS:		
Brush	$13.42	1.05
Structural Steel	13.77	1.05
Paperhangers	13.82	1.05
Spray Swing Stage, hazardous & sandblasting	14.02	1.05
PLASTERERS	15.42	1.43
PLUMBERS	14.60	3.20
ROOFERS:		
Composition	11.94	1.45
Slate & Tile	12.25	1.45
ROOFERS:		
Roofers helpers (handling roofing materials, erecting & dismantling Scaffold for roofers, & removing & cleaning up old roof (Douglas, Cass and Sarpy Cos.)	50%JR	1.45
SHEET METAL WORKERS	16.30	1.34
SPRINKLER FITTERS	16.67	2.83
STEAMFITTERS	15.64	2.20
LINE CONSTRUCTION:		
Lineman	15.37	3%+.65
Cable Splicers	16.51	3%+.65
Truck Driver	11.10	3%+.65
Equipment Operators	13.83	3%+.65
Groundman	10.03	3%+.65
POWER EQUIPMENT OPERATORS:		
GROUP 1	9.66	2.55
GROUP 2	12.65	2.55
GROUP 3	14.17	2.55
TRUCK DRIVERS:		
Single axle	11.145	2.07
Tandem axle, Lowboy, Trailers, Lumber Carriers	11.24	2.07

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oilers, Oiler Drivers, Conveyors, Heaters, Rubbertired grading Tractors, Air Compressors, Pumps, Welding Machines, Small Forklfit, Fireman used on high pressure boilers in construction work, Electric Hammers and Extractors.

GROUP 2 Spread Oiler, Bulldozer, Concrete Pumps, One Drum Hoist, Straddle Truck, Blades, End Loaders, Self-Propelled Scrapers, Two Drum Hoist, Trenching Machines, Dredges, Backhoe (1 yd, and under), Winch Truck and Side Boom, Cat Boom, Locomotives, Refrigeration Compressor (where used to solidify ground for excavation), and Extended Reach Forklifts.

GROUP 3 - Heavy Duty Mechanics, all Cranes, including Tower & Guy Derrick, used as excavators or lift cranes, and Backhoe (over 1 yard).

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

[FR Doc. 84-11158 Filed 4-26-84; 8:45 am]
BILLING CODE 4510-27-C

Federal Register

Friday
April 27, 1984

Part III

Environmental Protection Agency

40 CFR Part 466

Porcelain Enameling Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 466

[OW-FRL-2541-6]

Porcelain Enameling Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed regulation.

SUMMARY: EPA proposes amendments to the regulation which limits effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works by existing and new sources that conduct porcelain enameling operations. EPA agreed to proposed these amendments in a settlement agreement which resolved the various lawsuits challenging the final porcelain enameling regulation promulgated by EPA on November 24, 1982, 47 FR 53172.

The proposed amendments include: (1) Certain modifications of the effluent limitations for "best practicable control technology currently available" (BPT), "best available technology economically achievable" (BAT), and "new source performance standards" (NSPS) for direct discharges; and (2) certain modifications to the pretreatment standards for new and existing indirect discharges (PSNS and PSES). After considering comments received in response to this proposal, EPA will promulgate a final rule.

DATES: Comments on this proposal must be submitted on or before May 29, 1984.

ADDRESS: Send comments to Mr. Ernst P. Hall, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Attention: EGD Docket Clerk, Proposed Porcelain Enameling Rule (WH-552).

The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) (EPA Library) 401 M Street, SW., Washington, D.C. The EPA information regulation provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Questions regarding this notice may be addressed to Mr. Ernst P. Hall at (202) 382-7126.

SUPPLEMENTARY INFORMATION: Organization of this notice:

I. Legal authority
II. Background
A. Rulemaking and Settlement Agreement
B. Effect of the Settlement Agreement
III. Proposed modifications to the regulation
IV. Environmental impact of the proposed modifications to the regulation
V. Economic impact of the proposed amendments
VI. Solicitation of Comments
VII. Executive Order 12291
VIII. Regulatory Flexibility Analysis
IX. OMB Review
X. List of Subjects in 40 CFR Part 466

I. Legal Authority

The regulation described in this notice is proposed under authority of sections 301, 304, 306, 307, 308 and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 et seq., as amended by the Clean Water Act of 1977, Pub. L. 92-217).

II. Background

A. Rulemaking and Settlement Agreement

On January 27, 1981, EPA proposed a regulation to establish Best Practicable Control Technology Currently Available (BPT), Best Available Technology Economically Achievable (BAT), and Best Conventional Pollutant Control Technology (BCT) effluent limitations guidelines and New Source Performance Standards (NSPS), Pretreatment Standards for Existing Sources (PSES), and Pretreatment Standards for New Sources (PSNS) for the porcelain enameling point source category (46 FR 8860). EPA published the final porcelain enameling regulation in November 24, 1982, (47 FR 53172). Those regulations affected 28 direct dischargers and 50 indirect dischargers. (Thirty-eight small indirect dischargers were excluded from the categorical pretreatment standards for existing sources because the cost of compliance for small indirect dischargers was believed to be disproportionate). The preamble to the final porcelain enameling regulation describes the history of the rulemaking.

After publication of the porcelain enameling regulation, certain members of the porcelain enamel industry and the Porcelain Enameling Institute, the Gas Appliance Manufacturers Association, and the Association of Home Appliance Manufacturers filed petitions to review the regulation. These challenges were consolidated into one lawsuit by the United States Court of Appeals for the Fourth Circuit. (*Porcelain Enamel Institute* v. *EPA*, 4th Cir. No. 82-2124 and Consolidated Cases).

On August 19, 1983, the parties in the consolidated lawsuits entered into a settlement agreement which resolved all issues related to the porcelain enameling regulation raised by the petitioners. On September 28, 1983, the United States Court of Appeals for the Fourth Circuit entered an order staying briefing in the lawsuits. In the Settlement Agreement, EPA agreed to publish a notice of proposed rulemaking and to solicit comments regarding certain amendments to the final porcelain enameling regulation. If, after EPA has taken final action under the Settlement Agreement, each individual provision of the final porcelain enameling regulation is consistent with the Settlement Agreement, the petitioners will dismiss the various lawsuits challenging the final porcelain enameling regulation and have agreed not to challenge the new amendments.

The amendments that would be proposed in accordance with the Settlement Agreement would allow increased discharges of pollutants for 28 existing direct dischargers and for direct and indirect new sources.

B. Effect of the Settlement Agreement

As part of the Settlement Agreement, the parties jointly requested the United States Court of Appeals for the Fourth Circuit to stay the effectiveness of certain sections of 40 CFR Part 466 pending final action by EPA on each respective modification. On December 23, 1983, the Court entered an order staying those sections of the regulation promulgated on November 24, 1982 which EPA is proposing to amend in the proposed regulation appended to this notice.

Copies of the Settlement Agreement have been sent to EPA Regional Office and State NPDES permit—issuing authorities. All limitations and standards contained in the final porcelain enameling regulation published on November 24, 1982 which are not specifically listed in the attached proposed regulation are not stayed by the order entered by the court, and EPA is not proposing to delete or amend any of the limitations and standards that are not addressed in this proposal.

III. Proposed Amendments to the Porcelain Enameling Regulation

Below are descriptions of the amendments to the porcelain enameling regulation EPA is proposing. The proposed amendments are based upon proper operation of the same technologies as those which formed the basis of the final regulation that was promulgated on November 24, 1982. See the preamble to the regulation, at 47 F.R. 53172, for the Agency's findings with respect to these technologies.

A. Section 466.01 Applicability

The promulgated rule contains BPT limitations for the coating operations for the Cast Iron Subcategory which apply to all cast iron wet process coating operations. Hence, under the final regulation wastewaters from coating cast iron, which are co-treated with wastewater from coating steel, are subject to the limitations for cast iron coating operations. These limitations are lower than the limitations for coating steel due to the lower average production—related water flow for the Cast Iron Subcategory. As part of the settlement agreement, EPA is proposing to amend the applicability section of the regulation for the porcelain enameling point source category, § 466.01, to allow plants applying wet process coating to cast iron in conjunction with, and as a secondary function to, applying coatings to steel to adhere to coating limitations equivalent to those set forth in section 466.11 of the regulation.

B. Subpart A—Steel Basis Material Subcategory—Iron Limitations and Standards

EPA is proposing amendments to the BPT and BAT limitations and NSPS standards for iron in §§ 466.11, 466.12 and 466.13 of the porcelain enameling regulations. The limitations in the final regulation are based upon concentrations of 1.23 mg/l (one day maximum) and 0.63 mg/l (monthly average). Petitioners asserted that the data upon which the concentrations for iron were based were not representative of what could be achieved by facilities performing porcelain enameling on steel. The iron limitations proposed today are based upon data obtained from two porcelain enameling plants in the steel basis subcategory (ID 33097 and ID 40063) which use the recommended technology (hydroxide precipitation and sedimentation, or "lime and settle"). The proposed limitations and standards are based upon iron concentrations of 2.8 mg/l (daily maximum) and 1.4 mg/l (monthly average).

C. Limitations and Standards for Coating Operations in all Subcategories

EPA is proposing amendments to all the limitations and standards for BAT, NSPS, and PSNS for coating operations in all subcategories. The limitations and standards, which were promulgated November 24, 1982, were based upon an allowable flow of 0.636 l/m². This flow was the average of two values (0.0107 l/m² and 1.2603 l/m²) which were the measured flows for ball mill washout at two plants. Industry litigants claimed that the plant whose flow was 0.01 l/m² was unique and that using its flow resulted in unachievable flows for most plants. In the Settlement Agreement, the Agency agreed to propose to amend §§ 466.12, 466.13, 466.15, 466.22, 466.23, 466.25, 466.32, 466.33, 466.35, 466.43 and 466.45 of the regulation to relax the coating flow allowance. The revised limitations and standards will be based upon an allowable flow of 1.2603 l/m², the higher of the two values discussed above.

D. Subpart A—Nickel Standards for NSPS and PSNS for the Steel Subcategory

EPA is proposing amendments to the NSPS and PSNS standards for nickel in the steel subcategory. The standards in the final regulation are based on concentrations of 0.55 mg/l (one day maximum) and 0.37 mg/l (monthly average). Industry litigants claimed that new sources in the steel subcategory could not achieve standards based on these concentrations. In the Settlement Agreement, the Agency agreed to propose to amend the nickel standards in §§ 466.13 and 466.15 of the porcelain enameling regulation. The proposed standards for new sources in the steel subcategory are based on concentrations of 1.2 mg/l (daily maximum) and 0.63 mg/l (monthly average). The standards proposed today are based upon concentrations calculated from treated effluent data from plants with well-operated lime and settle treatment systems. Since the recommended technology for NSPS and PSNS is lime and settle followed by polishing filtration, the concentrations values for lime and settle were reduced by 30% to account for the additional removal that a filter can achieve.

The Settlement Agreement filed with the Fourth Circuit calls for the Agency to propose monthly average nickel standards for new sources in the steel subcategory based upon a concentration of 0.9 mg/l. Immediately prior to the filing of the Agreement with the Court, the Agency realized that a calculation error had been made and that the monthly average standards should actually be based upon a concentration of 0.63 mg/l. The Agency notified the litigants of this error, and the litigants agreed that amendments based upon the lower concentration of 0.63 mg/l would be considered consistent with the Settlement Agreement. Accordingly, the proposed amendments to the nickel standards for NSPS and PSNS for the steel subcategory are based upon a monthly average concentration of 0.63 mg/l.

E. New Source Performance Standards: Pretreatment Standards for New Sources: Metal Preparation Operation

EPA is proposing amendments to §§ 466.13, 466.33 and 466.43 of the Porcelain Enameling Regulation which contain pretreatment standards applicable to new direct dischargers and to §§ 466.15, 466.35 and 466.45 which contain pretreatment standards applicable to new indirect dischargers. Each of the mass-based standards for the metal preparation operation in each of these sections was based upon flow reduction of approximately 91 percent from production—normalized flow used to calculate best practicable technology limitations. Industry litigants claimed that no porcelain enameling plant can reduce flow to EPA's estimated flow. In the Settlement Agreement, the Agency agreed to propose and take final action on amended standards in each of the sections of the regulation listed above. The proposed standards for the metal preparation operation for new sources will be based upon reduction of allowable flow by 75 percent from the flow used to calculate best practicable technology limitations.

IV. Environmental Impact of the Proposed Amendments to the Porcelain Enameling Regulation

If promulgated, the proposed amendments would allow 28 existing direct dischargers and new direct and indirect dischargers to discharge a greater amount of pollutants than was allowed by the November 1982 regulation. The increase in the mass of pollutants allowed to be discharged is not expected to be substantial, however.

The increased quantity of iron that will be discharged at BPT due to the higher iron concentration under the proposed amended regulation averages only 0.4 pound per plant per day.

The doubling of flow for coating operations at BAT will not have a substantial impact because coating flow represents a small portion of the total wastewater flow from all direct dischargers. There will be an increase of less than 1.5 percent in the quantity of toxic pollutants discharged at BAT due to the increase in wastewater flow for the coating operations in the proposed amended regulation.

The increase in the quantity of toxic pollutions that may be discharged by new sources under the proposed amended regulation is nationally insignificant. Under the regulation that was promulgated Novembver 24, 1982, it is estimated tht model new sources would remove 98.4 percent of the toxic

pollutants present in the raw wastewater. It is estimated that 97.9 percent of the toxic pollutant in raw wastewater will be removed by model new sources under the proposed amended regulation. The Agency expects the number of porcelain enameling plants to remain stable through 1987 and therefore few new sources are expected to be built.

V. Economic Impact of the Proposed Amendments

The proposed amendments will not alter the recommended technologies for complying with the porcelain enameling regulation. The Agency considered the economic impact of the regulation when the final regulation was promulgated (See 47 FR 53178). Since the Agency concluded at that time that the regulation was economically achievable, and since it is expected that the amendments will not impose higher cost than the final regulation was estimated to impose, the Agency has concluded that these proposed amendments will not alter the determinations with respect to economic impact that were made previously.

The porcelain enameling regulation promulgated in November 1982 exempted small indirect dischargers from the categorical pretreatment standards because severe economic impacts were projected for this segment of the industry. These amendments do not affect the requirements for existing small indirect dischargers.

VI. Solicitation of Comments

EPA Invites public participation in this rulemaking and requests comments on the proposed amendments discussed or set out in this notice. The Agency asks that comments be as specific as possible and that suggested revisions or corrections be supported by data.

VII. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. Major rules are defined as rules that impose an annual cost to the economy of $100 million or more, or meet other economic criteria. This proposed regulation, like the regulation promulgated in November 1982, is not major because it does not fall within the criteria for major regulations established in Executive Order 12291.

VIII. Regulatory Flexibility Analysis

Pub. L. 96-354 requires that EPA prepare a Regulatory Flexibility Analysis for regulations that have a significant impact on a substantial number of small entities. In the preamble to the November 24, 1982 final porcelain enameling regulation, the Agency concluded that there would not be a significant impact on a substantial number of small entities (47 FR 53179). For that reason, the Agency determined that a formal regulatory flexibility analysis was not required. That conclusion is equally applicable to these proposed amendments, since the amendments would not alter the economic impact of the regulation. The Agency is not, therefore, preparing a formal analysis for this regulation.

IX. OMB Review

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at Rooom M2404, U.S. EPA, 401 M Street, SW., Washington, D.C. 20460 from 9:00 a.m. to 4:00 p.m. Monday through Friday, excluding Federal holidays.

The information collection requirements contained in this rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control number 2040-0033.

X. List of Subjects in 40 CFR Part 466

Porcelain enameling industry, Waste treatment and disposal, water pollution control.

Dated: April 19, 1984.

William D. Ruckelshaus,

Administrator.

PART 466—PORCELAIN ENAMELING POINT SOURCE CATEGORY

Authority: Secs. 301, 304 (b), (c), (e), and (g), 306 (b) and (c), 307, 308 and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977) (the "Act")' 33 U.S.C. 1311, 1314 (b), (c), (e) and (g), 1316 (b) and (c), 1317 (b) and (c), and 1361; 86 Stat. 816, Pub. L. 92-500; 91 Stat. 1567, Pub. L. 95-217.

1. 40 CFR 466.01 is amended by adding a new paragraph (d) to read as follows:

§ 466.01 Applicability.

* * * * *

(d) When wastewaters from coating cast iron are co-treated with wastewaters from coating steel, the limitations for coating steel contained in Section 466.11 may be applied to the entire wastestream.

2. 40 CFR 466.03 is amended by adding a paragraph (c) to read as follows:

§ 466.03 Monitoring and reporting requirements.

* * * * *

(c) The monitoring and reporting requirements contained in this paragraph were approved by the Office of Management and Budget under Control Number 2040-0033.

3. 40 CFR 466.11 is amended by revising the entry for the pollutant iron in all 4 columns of the table to read as follows:

§ 466.11 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

* * * * *

SUBPART A.—BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day		Maximum for monthly average	
	Metal preparation	Coating operation	Metal preparation	Coating operation
	Metric units—mg/m² of area processed or coated			
Iron	* * *	* * *	* * *	* * *
	112.12	22.69	56.06	11.34
	* * *	* * *	* * *	* * *
	English units—pounds per 1 million ft² of area processed or coated			
Iron	* * *	* * *	* * *	* * *
	22.96	4.65	11.48	2.32
	* * *	* * *	* * *	* * *

4. 40 CFR 466.12 is amended by revising the entry for the pollutant iron in all four columns and for the pollutants chromium, lead, nickel, zinc and aluminum of the columns in the table entitled coating operation to read as follows:

§ 466.12 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

* * * * *

Subpart A.—BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day		Maximum for monthly average	
	Metal preparation	Coating operation	Metal preparation	Coating operation
	Metric units—mg/m² of area processed or coated			
Chromium	* * *	0.53	* * *	0.22
Lead	* * *	0.19	* * *	0.10
Nickel	* * *	1.78	* * *	1.26
Zinc	* * *	1.68	* * *	0.71
Aluminum	* * *	5.74	* * *	2.35
Iron	112. 12	3.53	56.06	1.77

Subpart A.—BAT Effluent Limitations—Continued

Pollutant or pollutant property	Maximum for any 1 day		Maximum for monthly average	
	Metal preparation	Coating operation	Metal preparation	Coating operation
English units—pounds per million ft² of area processed or coated				
Chromium	* * *	0.11	* * *	0.05
Lead	* * *	0.04	* * *	0.03
Nickel	* * *	0.37	* * *	0.26
Zinc	* * *	0.35	* * *	0.15
Aluminum	* * *	1.18	* * *	0.48
Iron	22.96	0.72	11.48	0.36

5. 40 CFR 466.13 is amended by revising the table to read as follows:

§ 466.13 New source performance standards.

* * * * *

Subpart A.—NSPS

Pollutant or pollutant property	Maximum for any 1 day		Maximum for monthly average	
	Metal preparation	Coating operation	Metal preparation	Coating operation
Metric units—mg/m² of area processed or coated				
Chromium	3.7	0.47	1.5	0.19
Lead	1.0	0.13	0.9	0.11
Nickel	11.2	1.41	6.3	0.79
Zinc	10.2	1.29	4.2	0.53
Aluminum	30.3	3.82	12.4	1.56
Iron	28.0	3.53	14.0	1.77
Oil and grease	100.0	12.60	100.0	12.60
TSS	150.0	18.91	120.0	15.12
pH	(1)	(1)	(1)	(1)
English units—pounds per million ft² of area processed or coated				
Chromium	0.76	0.10	0.31	0.04
Lead	0.21	0.03	0.19	0.03
Nickel	2.29	0.29	1.29	0.16
Zinc	2.09	0.27	0.86	0.11
Aluminum	6.21	0.78	2.54	0.32
Iron	5.74	0.72	2.87	0.36
Oil and grease	20.48	2.58	20.48	2.58
TSS	30.72	3.87	24.58	3.10
pH	(1)	(1)	(1)	(1)

[1] Within the range 7.5 to 10.0 at all times.

6. In 40 CFR 466.14, paragraph (b) is amended by revising the entry for all pollutants in the columns of the table entitled coating operation to read as follows:

§ 466.14 Pretreatment standards for existing sources.

* * * * *

(b) In cases where POTW find it necessary to impose mass effluent pretreatment standards the following equivalent mass standards are provided:

Subpart A.—PSES

Pollutant or pollutant property	Maximum for any 1 day		Maximum for monthly average	
	Metal preparation	Coating operation	Metal preparation	Coating operation
Metric units—mg/m² of area processed or coated				
Chromium	* * *	0.53	* * *	0.22
Lead	* * *	0.19	* * *	0.16
Nickel	* * *	1.78	* * *	1.26
Zinc	* * *	1.68	* * *	0.71
English units—pounds per million ft² of area processed or coated				
Chromium	* * *	0.11	* * *	0.05
Lead	* * *	0.04	* * *	0.03
Nickel	* * *	0.37	* * *	0.26
Zinc	* * *	0.35	* * *	0.15

7. 40 CFR 466.15 is amended by revising the table to read as follows:

§ 466.15 Pretreatment standards for new sources.

* * * * *

SUBPART A.—PSNS

Pollutant or pollutant property	Maximum for any 1 day		Maximum for monthly average	
	Metal preparation	Coating operation	Metal preparation	Coating operation
Metric units—mg/m² of area processed or coated				
Chromium	3.7	0.47	1.5	0.19
Lead	1.0	0.13	0.9	0.11
Nickel	11.2	1.41	6.3	0.79
Zinc	10.2	1.29	4.2	0.53
English units—pounds per 1 million ft² of area processed or coated				
Chromium	0.76	0.10	0.31	0.04
Lead	0.2	0.03	0.19	0.02
Nickel	2.29	0.29	1.29	0.16
Zinc	2.09	0.27	0.86	0.11

8. In 40 CFR 466.22, paragraph (b) is amended by revising the table to read as follows:

§ 466.22 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

* * * * *

(b) The discharge of process wastewater pollutants from all porcelain enameling coating operations shall not exceed the values set forth below:

SUBPART B.—BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Mg/m² (pounds per 1 million ft²) of area coated		
Chromium	0.53 (0.11)	09.22 (0.05)
Lead	0.19 (0.04)	0.16 (0.03)
Nickel	1.78 (0.37)	1.26 (0.26)
Zinc	1.68 (0.35)	0.71 (0.15)

SUBPART B.—BAT EFFLUENT LIMITATIONS—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Aluminum	5.74 (1.18)	2.35 (0.48)
Iron	1.55 (0.32)	0.79 (0.16)

* * * * *

9. In 40 CFR 466.23, paragraph (b) is amended by revising the table to read as follows:

§ 466.23 New source performance standards.

* * * * *

(b) The discharge of process wastewater pollutants from all porcelain enameling coating operations shall not exceed the values set forth below:

SUBPART B.—NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Mg/m² (pounds per 1 million ft²) of area coated		
Chromium	0.47 (0.10)	0.19 (0.04)
Lead	0.13 (0.03)	0.11 (0.02)
Nickel	0.69 (0.14)	0.47 (0.10)
Zinc	1.29 (0.27)	0.53 (0.11)
Aluminum	3.82 (0.78)	1.56 (0.32)
Iron	1.55 (0.32)	0.79 (0.16)
Oil and grease	12.60 (2.58)	12.60 (2.58)
TSS	18.91 (3.87)	15.12 (3.10)
pH	(1) (1)	(1) (1)

[1] Within the range 7.5 to 10.0 at all times.

10. In 40 CFR 466.24, paragraph (b)(2) is amended by revising the table to read as follows:

§ 466.24 Pretreatment standards for existing sources.

* * * * *

(b)(1) * * *

(2) The discharge of process wastewater pollutants from all porcelain enameling coating operations shall not exceed the values set forth below:

SUBPART B.—PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Mg/m² (Pounds per/million ft²) of area coated		
Chromium	0.53 (0.11)	0.22 (0.05)
Lead	0.19 (0.04)	0.16 (0.03)
Nickel	1.78 (0.37)	1.26 (0.26)
Zinc	1.68 (0.35)	0.71 (0.15)

11. In 40 CFR 466.25, paragraph (b) is amended by revising the table to read as follows:

§ 466.25 Pretreatment standards for new sources.

* * * * *

(b) The discharge of process wastewater pollutants from all porcelain enameling coating operations shall not exceed the values set forth below:

SUBPART B.—PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	Mg/m² (Pounds per/million ft²) of area coated	
Chromium	0.47 (0.10)	0.19 (0.04)
Lead	0.13 (0.03)	0.11 (0.02)
Nickel	0.69 (0.14)	0.47 (0.10)
Zinc	1.29 (0.27)	0.53 (0.11)

* * * * *

12. 40 CFR 466.32 is amended by revising the entry for all pollutants in the columns of the table entitled coating operation to read as follows:

§ 466.32 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

* * * * *

SUBPART C.—BAT Effluent Limitations

Pollutant or pollutant property	Maximum for any 1 day	Coating operation	Maximum for monthly average	
	Metal preparation		Metal preparation	Coating operation
	Metric units—mg/m² of area processed or coated			
Chromium	* * *	0.53	* * *	0.22
Lead	* * *	0.19	* * *	0.16
Nickel	* * *	1.78	* * *	1.26
Zinc	* * *	1.68	* * *	1.71
Aluminum	* * *	5.74	* * *	2.35
Iron	* * *	1.55	* * *	0.80
	English units—pounds/per 1 million ft² of area processed or coated			
Chromium	* * *	0.11	* * *	0.05
Lead	* * *	0.04	* * *	0.03
Nickel	* * *	0.37	* * *	0.26
Zinc	* * *	0.35	* * *	0.35
Aluminum	* * *	1.18	* * *	0.48
Iron	* * *	0.32	* * *	0.16

13.40 CFR 466.33 is amended by revising the table to read as follows:

§ 466.33 New source performance standards.

* * * * *

SUBPART C.—NSPS

Pollutant or pollutant property	Maximum for any 1 day		Maximum for monthly average	
	Metal preparation	Coating operation	Metal preparation	Coating operation
	Metric units—mg/m² of area processed or coated			
Chromium	3.60	0.47	1.46	0.19

SUBPART C.—NSPS—Continued

Pollutant or pollutant property	Maximum for any 1 day		Maximum for monthly average	
	Metal preparation	Coating operation	Metal preparation	Coating operation
Lead	0.97	0.13	0.88	0.11
Nickel	5.35	0.69	3.60	0.47
Zinc	9.92	1.29	4.09	0.53
Aluminum	29.46	3.82	12.06	1.56
Iron	11.96	1.55	6.13	0.79
Oil and Grease	97.24	12.60	97.24	12.60
TSS	145.86	18.91	116.69	15.12
pH	(1)	(1)	(1)	(1)
	English units—pounds per million ft² of area processed or coated			
Chromium	0.74	0.10	0.30	0.04
Lead	0.20	0.03	0.18	0.20
Nickel	1.10	0.14	0.74	0.10
Zinc	2.03	0.27	0.84	0.11
Aluminum	6.03	0.78	2.47	0.32
Iron	2.45	0.32	1.26	0.16
Oil and Grease	19.92	2.58	19.92	2.58
TSS	29.88	3.87	23.90	3.10
pH	(1)	(1)	(1)	(1)

(1) Within the range 7.5 to 10.0 at all times.

14. In § 466.34, paragraph (b) is amended by revising the entry for all pollutants in the columns of the table entitled coating operation to read as follows:

§ 466.34 Pretreatment standards for existing sources.

* * * * *

(b) In cases where POTW find it necessary to impose mass pretreatment standards the following equivalent mass standards are provided:

SUBPART C.—PSES

Pollutant or pollutant property	Maximum for any 1 day		Maximum for monthly average	
	Metal preparation	Coating operation	Metal preparation	Coating operation
	Metric units—mg/m² of area processed or coated			
Chromium	* * *	0.53	* * *	0.22
Lead	* * *	0.19	* * *	0.16
Nickel	* * *	1.78	* * *	1.26
Zinc	* * *	1.68	* * *	1.71
	English units—pounds per million ft² of area processed or coated			
Chromium	* * *	0.11	* * *	0.05
Lead	* * *	0.04	* * *	0.03
Nickel	* * *	0.37	* * *	0.25
Zinc	* * *	0.35	* * *	0.35

15. 40 CFR 466.35 is amended by revising the table to read as follows:

§ 466.35 Pretreatment standards for new sources.

* * * * *

SUBPART C.—PSNS

Pollutant or pollutant property	Maximum for any 1 day		Maximum for monthly average	
	Metal preparation	Coating operation	Metal preparation	Coating operation
	Metric units—mg/m² of area processed or coated			
Chromium	3.60	0.47	1.46	0.19
Lead	0.97	0.13	0.88	0.11
Nickel	5.35	0.69	3.60	0.47
Zinc	9.92	1.29	4.09	0.53
	English units—pounds per 1 million ft² of area processed or coated			
Chromium	0.74	0.10	0.30	0.04
Lead	0.20	0.03	0.18	0.02
Nickel	1.10	0.14	0.74	0.10
Zinc	2.03	0.27	0.84	0.11

* * * * *

16. 40 CFR 466.43 is amended by revising the table to read as follows:

§ 466.43 New source performance standards.

* * * * *

SUBPART D.—NSPS

Pollutant or pollutant property	Maximum for any 1 day		Maximum for monthly average	
	Metal preparation	Coating operation	Metal preparation	Coating operation
	Metric units—mg/m² of area processed or coated			
Chromium	6.23	0.46	2.52	0.19
Lead	1.69	0.13	1.52	0.11
Nickel	9.25	0.69	6.23	0.47
Zinc	17.18	1.29	7.07	0.53
Aluminum	50.97	3.82	20.86	1.56
Iron	20.69	1.55	10.60	0.79
Oil and grease	168.23	12.60	168.23	12.60
TSS	252.35	18.91	201.88	15.12
pH	(1)	(1)	(1)	(1)
	English units—pounds per 1 million ft² of area processed or coated			
Chromium	1.28	0.10	0.52	0.04
Lead	0.35	0.03	0.31	0.03
Nickel	1.90	0.14	1.28	0.10
Zinc	3.52	0.27	1.45	0.11
Aluminum	10.44	0.78	4.27	0.32
Iron	4.24	0.32	2.17	0.16
Oil and grease	34.46	2.58	34.46	2.58
TSS	51.69	3.87	41.35	3.10
pH	(1)	(1)	(1)	(1)

(1) Within the range 7.5 to 10.0 at all times.

17. 40 CFR 466.45 is amended by revising the table to read as follows:

§ 466.45 Pretreatment standards for new sources.

* * * * *

SUBPART D.—PSNS

Pollutant or pollutant property	Maximum for any 1 day		Maximum for monthly average	
	Metal preparation	Coating operation	Metal preparation	Coating operation
	Metric units—mg/m² of area processed or coated			
Chromium	6.23	0.46	2.52	0.19
Lead	1.69	0.13	1.52	0.11
Nickel	9.25	0.69	6.23	0.47
Zinc	17.16	1.29	7.07	0.53
	English units—pounds per 1 million ft² of area processed or coated			
Chromium	1.28	0.10	0.52	0.04
Lead	0.35	0.03	0.31	0.02
Nickel	1.90	0.14	1.28	0.10
Zinc	3.52	0.27	1.45	0.11

* * * * *

[FR Doc. 84-11247 Filed 4-26-84; 8:45 am]

BILLING CODE 6560-50-M

Federal Register

Friday
April 27, 1984

Part IV

Department of Labor

Office of the Assistant Secretary for Veterans' Employment and Training

Numerical Values for Veterans' Service Performance Standards; Notice

DEPARTMENT OF LABOR

Office of the Assistant Secretary for Veterans' Employment and Training

Numerical Values for Veterans' Service Performance Standards

Title 38, United States Code, Section 2007(b) requires establishment of definitive performance standards by which State Employment Security Agency (SESA) services for veterans will be measured. The services to which quantitative standards will be applied are placement (in jobs over three days), counseling, enrollment in training and received some reportable service. The standards are the minimum acceptable levels of service provided to the various categories of veterans. The standards measure services provided to veterans (including eligible persons), Vietnam-era veterans, and disabled veterans, as a share of the services provided to all applicants 22 years of age or over during the reporting period. For placement in jobs listed by Federal contractors, standards measure placement of Vietnam-era and special disabled veterans in all Federal contractor jobs.

According to Veterans' Program Letter No. 2-84, Employment Service Planning Guidelines for Veterans' Service, dated December 5, 1984, the specific numerical value, expressed as a percentage, for each performance standard will be negotiated by the State Director for Veterans' Employment and Training Service and the State Employment Service Administrator. These performance standards replace the floor levels and veterans' preference indicators of compliance previously included in regulations at 20 CFR 653.230 which have been removed. The numerical values for each reporting period for the veterans' performance standards will be published in the Federal Register as a public notice. The following performance standards have been established to be in effect through June 1984.

Signed at Washington, D.C. this 23rd day of April 1984.

William C. Plowden, Jr.,

Assistant Secretary for Veterans' Employment and Training.

BILLING CODE 4510-79M

VETERANS' SERVICE PERFORMANCE STANDARDS

[PERCENTAGE OF VETERANS VS. TOTAL APPLICANTS 22 AND OVER]

State	PLACEMENT			COUNSELING		
	Veterans and Eligibles	Vietnam Era Veterans	Disabled Veterans	Veterans and Eligibles	Vietnam Era Veterans	Disabled Veterans
Region I						
Connecticut	23	9	3.0	24	10	11
Maine	24	11	3.0	4	1.4	0.5
Massachusetts	20	8	1.0	35	15	3
New Hampshire	30	12	2.0	38	17.2	3.3
Rhode Island	22	10	1.4	25	11	1.7
Vermont	25	10	1.1	30	12	3
Region II						
New Jersey	25	10	1.25	18	6.5	2
New York	19	7.5	1.5	35	12	3
Puerto Rico	10	4	0.8	14	4.5	1.4
Region III						
Delaware	19	8.5	1.5	25	15	4
Dist. of Col.	19	10	0.7	26	14	3
Maryland	25	10	1.0	25	10	1
Pennsylvania	15	7	1.0	35	15	4
Virginia	25	12	1.0	48	24	6
W. Virginia	26	13	1.5	40	20	3
Region IV						
Alabama	23	11.2	1.3	38	16	4
Florida	23	11	2.0	30	14	5
Georgia	21.8	10.9	1.3	27.7	15.1	4.6
Kentucky	21	10	1.0	21.0	10.0	1
Mississippi	17.5	7.5	.67	23.5	8.5	1.65
N. Carolina	22	10	1.5	22	10.5	2
S. Carolina	22	11	1.3	31	13	4
Tennessee	19.5	9.5	0.9	20	10	3
Region V						
Illinois	26	12	1.0	31	13	3
Indiana	26	13	2.0	35	25	4
Michigan	19	9	1.0	36	17	2
Minnesota	22	10	1.0	25	12	2
Ohio	27	13	3.0	30	20	2
Wisconsin	30	15	3.0	40	20	4

VETERANS' SERVICE PERFORMANCE STANDARDS

[PERCENTAGE OF VETERANS VS. TOTAL APPLICANTS 22 AND OVER]

State	PLACEMENT			COUNSELING		
	Veterans and Eligibles	Vietnam Era Veterans	Disabled Veterans	Veterans and Eligibles	Vietnam Era Veterans	Disabled Veterans
Region VI						
Arkansas	22	10	1.0	50	30	10
Louisiana	38	19	2.0	60	27	3
New Mexico	24	11	1.0	40	18	3
Oklahoma	25.3	13.9	1.8	50	25	4
Texas	24	11.7	1.2	51.6	26.2	6.9
Region VII						
Iowa	23	10	0.7	35	16	2
Kansas	25	13	1.5	40	19	4.5
Missouri	20	10	1.0	25	12	2
Neberaska	22.5	10	.75	42.5	19	2.5
Region VIII						
Colorado	24	12	1.5	20	10	0.3
Montana	23	10	1.1	30	14	1.0
North Dakota	18.9	9.7	0.6	25.8	14.7	1.0
South Dakota	22	9	1.1	23	10	2.0
Utah	21	11	1.5	35	19	3.0
Wyoming	23.5	12	1.4	25	13	1.4
Region IX						
Arizona	27	12.5	1.5	50	25	5
California	21	10	1.2	28	13	2
Hawaii	26	12	1.5	74	42	8
Nevada	25	17	1.5	28.5	13	3.2
Region X						
Alaska	25	14	2	30	15	5
Idaho	26.5	13.5	1.5	55	27	7
Oregon	23	9.5	1.0	25	11	1.5
Washington	27	13	3.5	34	20	4

VETERANS' SERVICE PERFORMANCE STANDARDS

[PERCENTAGE OF VETERANS VS. TOTAL APPLICANTS 22 AND OVER]

State	ENROLLMENT IN TRAINING			RECEIVED SOME REPORTABLE SERVICE		
	Veterans and Eligibles	Vietnam Era Veterans	Disabled Veterans	Veterans and Eligibles	Vietnam Era Veterans	Disabled Veterans
Region I						
Connecticut	13.5	6	1	25	10	3
Maine	8	3	1	22	9	2.5
Massachusetts	10	5	1	23	9	1
New Hampshire	33	25	2.5	27	11	1.5
Rhode Island	19	8	0.5	18.4	8.3	1.1
Vermont	20	10	1	22	9	1
Region II						
New Jersey	6.5	3	0.3	24	9	1.4
New York	24.5	12	2.0	27	10	1.5
Puerto Rico	13	5.5	1.04	17	5.9	1.5
Region III						
Delaware	8	3.5	0.3	20	8.5	1.2
Dist. Col.	9	5	0.3	16	8	0.6
Maryland	15	8	1	25	10	1
Pennsylvania	20	10	2	30	14	4
Virginia	12	4	1	26	12	1
W. Virginia	15	8	1	30	15	1.5
Region IV						
Alabama	23	10	1	22	10	1.2
Florida	15	6.5	1.4	25	11	2
Georgia	13.7	7.3	1.0	23	11.1	1.4
Kentucky	14	8	1	21	10	1
Mississippi	18.5	7.0	0.85	17.5	7.5	0.7
N. Carolina	13	5.5	1	21	9	1.25
S. Carolina	0.2	0	0	23	11	1.5
Tennessee	8	4	0.5	19	9	0.8
Region V						
Illinois	19	8	1	30	12	1
Indiana	15	10	1	35	15	1
Michigan	20	10	1	35	16	1
Minnesota	30	15	2	28	13	2
Ohio	20	10	2	54	35	4
Wisconsin	22	10	3	32	15	2

VETERANS' SERVICE PERFORMANCE STANDARDS

[PERCENTAGE OF VETERANS VS. TOTAL APPLICANTS 22 AND OVER]

State	ENROLLMENT IN TRAINING			RECEIVED SOME REPORTABLE SERVICE		
	Veterans and Eligibles	Vietnam Era Veterans	Disabled Veterans	Veterans and Eligibles	Vietnam Era Veterans	Disabled Veterans
Region VI						
Arkansas	Performance Standards			25	10	1
Louisiana	for Enrollment in			55	26	2
N. Mexico	Training waived			29	13	1
Oklahoma	for Region VI			28	14	1.5
Texas	for this period			28.5	13.8	1.2
Region VII						
Iowa	29	4	1	31.1	15	1
Kansas	30	10	10	25	13	1.5
Missouri	10	5	0.5	30	15	1
Nebraska	40	10.5	3.5	30	14	1
Region VIII						
Colorado	10	5	0.2	25	12	1.5
Montana	18	8	1	26	11	1
N. Dakota	14	6	0.6	18.9	9.7	0.6
S. Dakota	11	3	1	22	9	1.1
Utah	7	3	1	22.5	11.5	1.3
Wyoming	23.5	12	1	23.5	12.5	1
Region IX						
Arizona	2	1	0.5	30	15	1.5
California	16	7	1	20.5	10	1.2
Hawaii	3	1.5	.05	30	14	1.5
Nevada	17.7	11.5	1.5	25	12	1
Region X						
Alaska	5	2	1	32	17	2
Idaho	15	9	1	27	13	1.5
Oregon	Performance Standards Waived			23	10	1
Washington	17	8	2	27	13.5	2

VETERANS' SERVICE PERFORMANCE STANDARDS

[PERCENTAGE OF VETERANS VS. TOTAL APPLICANTS 22 AND OVER]

PLACEMENTS IN FEDERAL CONTRACTOR JOBS

State	Vietnam Era Veterans	Special Disabled Veterans
Region I		
Connecticut	4	0.2
Maine	14	2
Massachusetts	5	0.2
New Hampshire	11	1
Rhode Island	15.5	.04
Vermont	10	1
Region II		
New Jersey	11.5	.35
New York	10	1
Puerto Rico	10	1
Region III		
Delaware	8	0.4
Dist. Columbia	5	0.2
Maryland	10	1
Pennsylvania	18	1
Virginia	11	1
W. Virginia	15	1
Region IV		
Alabama	9	0.3
Florida	15	1
Georgia	15.7	1.2
Kentucky	17	1
Mississippi	7.5	.35
N. Carolina	10	.5
S. Carolina	10.4	.4
Tennessee	11	.5
Region V		
Illinois	7	1
Indiana	13	1
Michigan	10	1
Minnesota	10	1
Ohio	30	3
Wisconsin	20	2
Region VI		
Arkansas	10	0.3
Louisiana	23	23
N. Mexico	8.0	0.6
Oklahoma	14.1	1.4
Texas	11.7	0.4
Region VII		
Iowa	9	0.1
Kansas	9	0.5
Missouri	7	1
Nebraska	4	.05
Region VIII		
Colorado	16	.75
Montana	10	1.1
N. Dakota	12.6	1.5
S. Dakota	9	.5
Utah	14	1
Wyoming	8.7	1
Region IX		
Arizona	8	1
California	10	1
Hawaii	12	1.5
Nevada	9	1.5
Region X		
Alaska	17	1
Idaho	12	.4
Oregon	9.5	.5
Washington	18	3

[FR Doc. 84-11355 Filed 4-26-84; 8:45 am]

BILLING CODE 4510-79-C

Federal Register

Friday
April 27, 1984

Part V

Department of Transportation

Federal Aviation Administration

14 CFR Part 25

Standards for Approval of an Automatic Takeoff Thrust Control System; Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. 24046, Notice No. 84-4]

Standards for Approval of an Automatic Takeoff Thrust Control System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes an amendment to Part 25 of the Federal Aviation Regulations (FAR) which would specify the airplane and equipment airworthiness standards for the installation of an automatic takeoff thrust control system (ATTCS). This proposal is prompted by an increase in the number of applications received to provide an ATTCS on transport category airplanes. As existing rules do not cover certification standards for this feature, standards have been provided in the past for certain airplanes through the issuance of special conditions. The changes to Part 25 proposed herein will eliminate the need for special conditions.

DATES: Comments must be received on or before June 26, 1984.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 24046 800 Independence Avenue SW., Washington, D.C. 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue SW., Washington, D.C. 20591. All comments must be marked: Docket No. 24046. Comments may be inspected in Room 916 weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. In addition, the FAA is maintaining an information docket of comments in the Office of the Regional Counsel (ANM-7), FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments in the information docket may be inspected in the Office of the Regional counsel weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: James Walker, Regulations and Policy Office, ANM-110, Aircraft Certification Division, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; telephone (206) 431-2116.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adopting the proposals contained in this notice are invited. Substantive comments should be accompanied by cost estimates. Commenters should identify the regulatory docket or notice number and submit comments in duplicate to the Rules Docket address above. All comments received on or before the closing date for comments will be considered by the Administrator before taking action on this proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 24046." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center (APA-430), 800 Independence Avenue SW., Washington, D.C. 20591; or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

Initial development of ATTCS special conditions began in the latter part of 1976. At that time, several airplane manufacturers were known to be interested in such a system or had made application for approval of such a system.

With an ATTCS installed, takeoffs would normally be made with engine thrust set at less than the maximum certificated takeoff thrust approved for the airplane. The ATTCS actuates in the event of an engine failure during takeoff to automatically apply maximum takeoff power to the remaining operating engine(s). An airplane with such a system installed would have a number of novel and unusual design features that are not presently addressed by the regulations. As such, §§ 21.16 and 21.101 of Part 21 require that special conditions be developed and compliance with the special conditions be demonstrated. Special conditions were, therefore, developed for each applicant requesting approval of an ATTCS installation to cover the change in the airplane type design.

In November 1977, proposed special conditions for an ATTCS for any two or three engine turbine-powered transport category airplane were developed and sent to interested aviation groups and various foreign civil aviation authorities for review and comment. Comments were reviewed, and the special conditions were revised and sent out for comment in May 1978 and again in November 1978. Cooperating with the FAA in this development were the Aerospace Industries Association of America (AIA), Air Transport Association of America (ATA), Airline Pilots Association (ALPA), Allied Pilots Association (APA), Rolls Royce (RR), Hawker Siddeley Aviation, Ltd. (HS), British Civil Aviation Authority (CAA), civil aviation authorities of Australia and Japan, the French Technical Commission Navigation (FTCN), the French civil aviation authorities, Lockheed, Boeing, McDonnell Douglas, and Rockwell International. As a result of this effort, essentially identical special conditions were issued to all applicants.

It is the intent of this notice to incorporate into Part 25 the substance of the special conditions that have been developed and issued to date so that future applicants who wish to install an ATTCS system will have appropriate rules for designing their systems. For reference see special conditions for the CASA 212 (46 FR 27092; dated May 18, 1981) and for the Learjet (48 FR 31630; dated July 11, 1983). As in the special conditions, the regulation proposed herein specifies limits on the maximum thrust or power increment which can be applied to the operating engines by the ATTCS system; prescribes ATTCS system reliability; requires system status monitoring; requires provisions for manual selection of the maximum takeoff thrust or power approved for the airplane; prohibits approval of the ATTCS system design if the automatic or manual application of maximum

takeoff thrust would result in exceeding engine operating limits; and requires an independent engine failure warning indication if the inherent operating characteristics of the airplane do not provide a clear warning to the crew.

In addition, a "critical time interval" is proposed to provide a uniform and acceptable basis for the probability calculations of combining the probability factors for an engine failure, an ATTCS system failure, and the exposure time increment within which such combined failures have significant effects. A graphical presentation is included to aid in interpreting the critical time interval. This is the flight critical exposure period following the attainment of the critical engine failure speed when an airplane could experience a combined failure of the engine and the ATTCS. The resulting flight path would intercept the planned one-engine inoperative/ATTCS operating flight path prior to reaching some specified altitude. The critical exposure period which is used in determining the probability of the combined failure was established to be the time interval that would result in the interception of the one-engine inoperative flight path 400 feet above the takeoff surface. This is the minimum altitude at which performance credit can be claimed for a thrust or power change initiated by the pilot (see § 25.111(c)(4)).

The performance and system reliability requirements that were contained in the special conditions and are now contained in this proposal assure that airplane performance and safety required by Part 25 are not compromised by the introduction of a system which has an estimated reliability and upon which airplane performance is dependent. These requirements provide for a level of safety equivalent to that provided by the applicable regulations for airplanes without an ATTCS installed.

The 90 percent thrust setting limit assures that the all-engine performance is not significantly degraded and that a minimum level of performance is available if an engine and ATTCS failure occur simultaneously.

The proposed changes to type certification rules regarding powerplant controls, powerplant instruments and system functioning verification means and indicators assure compliance of the ATTCS installation with the intent of the powerplant controls and instrument rules (§§ 25.1141 and 25.1305). The proposed changes will assure that the level of safety with the ATTCS installed and operating is equal to the level of safety without the ATTCS installed. Consequently, the verification means, override feature, and warning indicators of flight characteristics are believed necessary to achieve this objective prior to and during takeoff operations.

Regulatory Evaluation

As discussed above, special conditions have been issued to several applicants to amend or supplement type certificates held on Part 25 aircraft to permit certification with an ATTCS installed. Such special conditions were granted under authority of the Administrator in § 21.16 because of the novel or unusual design features associated with the installation of this automated system. The ATTCS design features will no longer be deemed to be novel or unusual once the standards for their approval are incorporated directly into Part 25.

In proposing to bring the former special conditions into Part 25, the FAA would codify essentially the same certification requirements which have been imposed by special conditions in the last several years. Because the proposed type certification requirements would apply only to applicants seeking certification of designs incorporating an ATTCS, and because such systems are optional and not otherwise required for certification, there is no new requirement established by the proposed rulemaking action, and no economic impact results from it. The proposal is, in essence, and codification of what has in the past been embodied in rules of particular applicability, and no additional burden is being imposed.

List of Subjects in 14 CFR Part 25

Aviation safety, Aircraft, Air transportation, Safety, Tires.

The Proposed Amendment

Accordingly, the FAA proposes to amend Part 25 of the Federal Aviation Regulations (FAR) (14 CFR Part 25) as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. By adding a new § 25.904 to read as follows:

§ 25.904 Automatic takeoff thrust control system (ATTCS).

Each applicant seeking approval for installation of an engine power control system that automatically resets the power or thrust on the operating engine(s) when any engine fails during the takeoff must comply with the requirements of Appendix I.

2. By adding a new Appendix I to read as follows:

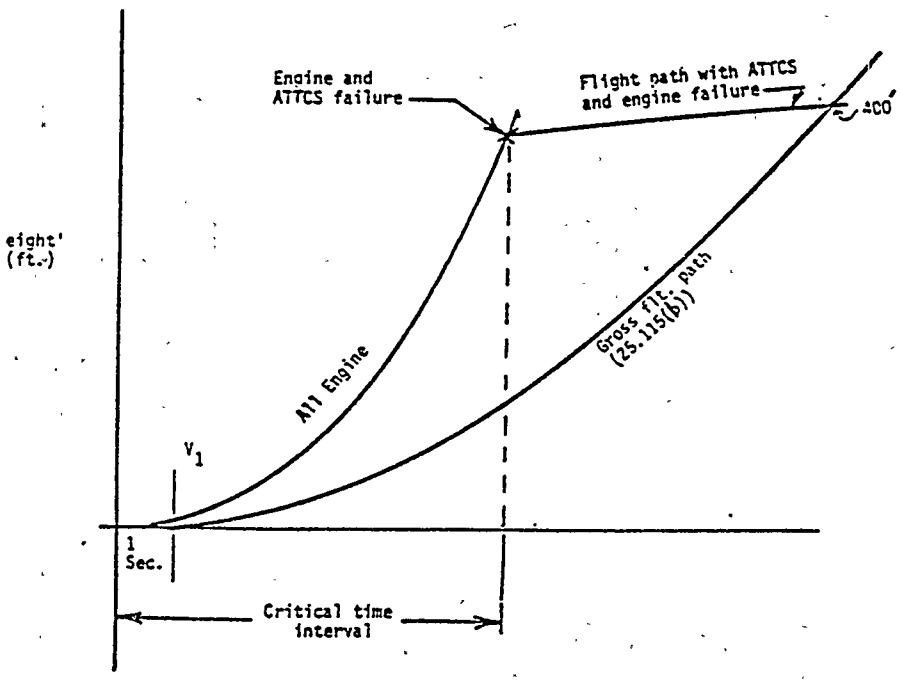
Appendix I—Installation of an Automatic Takeoff Thrust Control System (ATTCS).

I25.1 *General.* (a) This appendix specifies additional requirements for installation of an engine power control system that automatically resets thrust or power on operating engine(s) in the event of any one engine failure during takeoff.

(b) With the ATTCS and associated systems functioning normally as designed, all applicable requirements of Part 25, except as provided in this appendix, must be met without requiring any action by the crew to increase thrust or power.

I25.2 *Definitions.* (a) *Automatic Takeoff Thrust Control System (ATTCS).* An ATTCS is defined as the entire automatic system used on takeoff, including all devices, both mechanical and electrical, that sense engine failure, transmit signals, actuate fuel controls or power levers or increase engine power by other means on operating engines to achieve scheduled thrust or power increases, and furnish cockpit information on system operation.

(b) *Critical Time Interval.* When conducting an ATTCS takeoff, the critical time interval is between V_1 minus 1 second and a point on the minimum performance, all-engine flight path where, assuming a simultaneous occurrence of an engine and ATTCS failure, the resulting minimum flight path thereafter intersects the Part 25 required gross flight path at no less than 400 feet above the takeoff surface. This definition is shown in the following graph:



(c) *Takeoff Thrust or Power.* Notwithstanding the definition of "Takeoff Thrust or Power" in Part 1 of this Chapter, "takeoff thrust or power" means each thrust or power obtained from each initial thrust or power setting approved for takeoff under this appendix.

I25.3 *Performance Requirements.* The applicant may elect to comply with the performance requirements contained in either subparagraph (a) or (b) as follows (except any airplane required to meet the requirements of §25.1309, as amended by Amendment 25–23 (May 8, 1970) must comply with subparagraph (a)).

(a) The following reliability and performance criteria apply:

(1) An ATTCS system failure during the critical time interval must be shown to be improbable.

(2) The concurrent existence of an ATTCS failure and an engine failure during the critical time interval must be shown to be extremely improbable.

(3) Inadvertent thrust reductions during the critical time interval must be shown to be extremely improbable.

(4) All applicable performance requirements of Part 25 must be met with an engine failure occurring at the most critical point during takeoff with the ATTCS system functioning.

(b) If compliance is not shown with the criteria given in paragraph (a), then the following apply:

(1) An ATTCS system failure during the critical time interval must be shown to have a probability of occurrence of 10^{-3} or less.

(2) The concurrent existence of an ATTCS failure and an engine failure during the critical time intervals must be shown to be extremely improbable.

(3) Inadvertent thrust reductions during the critical time interval must be shown to be extremely improbable.

(4) All applicable performance requirements of Part 25 must be met with an engine failure occurring at the most critical point during takeoff with the ATTCS system functioning.

(5) The takeoff runway length required shall be the greater of:

(i) The accelerate-stop distance determined under §25.109 at the initial takeoff thrust or power setting and with the ATTCS operating;

(ii) The horizontal distance along the takeoff path from the start of takeoff to the point at whch the airplane is 35 feet above the takeoff surface, determined under §25.113 with one engine failed at the most critical point during takeoff and the ATTCS operating;

(iii) The horizontal distance along the takeoff path from the start of takeoff to the point at which the airlane is 15 feet above the takeoff surface with one engine and the ATTCS failed at the most critical takeoff point; or

(iv) One hundred fifteen (115) percent of the horizontal distance along the takeoff path, with all engines operating at the initial takeoff thrust or power setting, from the start of takeoff to the point at which the airplane is 35 feet above the takeoff surface as determined by a procedure consistent with §25.111.

(6) With the initial takeoff thrust or power set as described in paragraph 125.4, *Thrust Setting,* the critical engine inoperative, the ATTCS system failed and without moving the power lever(s) on the remaining engine(s), the airplane must:

(i) Have a positive gross climb gradient at all points in the takeoff path (procedures consistent with §25.111 must be used); and

(ii) Have an available gradient of climb of not less than 1.0 percent determined in accordance with §25.121(b).

(7) The gradient of climb used to determine the takeoff path required by § 25.1587 may not be greater than:

(i) The net gradient determined in accordance with § 25.115(b) with the ATTCS functioning; or

(ii) The gross gradient available resulting from the configuration of paragraph I25.3, subparagraph (b)(6).

I25.4 *Thrust Setting.* The initial takeoff thrust or power setting on each engine at the beginning of the takeoff roll may not be less than:

(a) Ninety (90) percent of the thrust or power level set by the ATTCS (the maximum takeoff thrust or power approved for the airplane under existing conditions);

(b) That required to permit normal operation of all safety-related systems and equipment dependent upon engine thrust or power lever position; or

(c) That show to be free of hazardous engine response characteristics when thrust or power is advanced from the initial takeoff thrust or power level to the maximum apporved takeoff thrust or power.

I25.5 *Powerplant Controls.*

(a) In addition to the requirements of § 25.1141, no single failure or malfunction, or probable combination thereof, of the ATTCS system, including associated systems, may cause the failure of any powerplant function necessary for safety.

(b) The ATTCS must be designed to:

(1) Apply thrust or power on the operating engine(s) following any one engine failure during takeoff to achieve the appoved takeoff thrust or power without exceeding engine operating limits;

(2) Permit manual decrease or increase in thrust or power up to the maximum takeoff thrust or power approved for the airplane under existing conditions through the use of the power

lever. For aircraft equipped with limiters that automatically prevent engine operating limits from being exceeded under existing conditions, other means may be used to increase the maximum level of thrust or power controlled by the power levers in the event of an ATTCS failure provided the means: is located on or forward of the power levers; is easily identified and operated under all operating conditions by a single action of either pilot with the hand that is normally used to actuate the power levers; and meets the requirements of § 25.777 (a), (b), and (c);

(3) Provide a means to verify to the flightcrew before takeoff that the ATTCS is in a condition to operate; and

(4) Provide a means for the flightcrew to deactivate the automatic function. This means must be designed to prevent inadvertent deactivation.

I25.6 *Powerplant Instruments.* In addition to the requirements of § 25.1305:

(a) A means must be provided to indicate when the ATTCS is in the armed or ready condition; and

(b) If the inherent flight characteristics of the airplane do not provide adequate warning that an engine has failed, a warning system that is independent of the ATTCS must be provided to give the pilot a clear warning of any engine failure during takeoff.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.45)

Note.—For the reasons discussed earlier, the FAA has determined that this document involves a proposed regulation which is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and is not major as defined in Executive Order 12291, and the FAA certifies that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities since few, if any, small entities are involved.

Issued in Seattle, Washington, on January 27, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84-11357 Filed 4-26-84; 8:45 am]

BILLING CODE 4910-13-M

Federal Register

Friday
April 27, 1984

Part VI

Department of Energy

Federal Energy Regulatory Commission

NGPA Notices of Determinations by Jurisdictional Agencies

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Vol. 1107]

NGPA Notices of Determination by Jurisdictional Agencies

Issued: April 23, 1984.

Note.—By final rule issued by the Commission on February 22, 1984 (Order No. 362, Docket RM83-50-000, 49 FR 7109-13, February 27, 1984), notices of determination issued by the Commission after May 27, 1984, *will not be published in the* Federal Register. Applicants listed on FERC Form 121 will be notified by mail of Commission receipt of determinations. All other parties should contact: TS Infosystems, Inc., Attn: Mr. Milton Chichester, 825 North Capitol Street, Room 1000, Washington, DC 20426, to inquire about subscribing to these notices. Copies of Order No. 362 are available from the same source.

The following notices of determination were received from the indicated jurisdictional agencies by the FERC pursuant to the NGPA and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production is in million cubic feet (MMcf).

The applications for determination are available for inspection, except for material which is confidential under 18 CFR 275.206, at the FERC, 825 North Capitol St., Room 1000, Washington, D.C. Persons objecting to any of these determinations may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date the notice is issued by the Commission.

Source data from the FERC Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Road, Springfield, Virginia 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
- 102-2: New well (2.5 mile rule)
- 102-3: New well (1000 ft rule)
- 102-4: New onshore reservoir
- 102-5: New res. on old OCS lease

Section 103: New onshore production well

Section 107-DP: 15,000 ft. or deeper
- 107-GB: Geopressured brine
- 107-DV: Devonian shale
- 107-CS: Coal seam gas
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Temporary pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS
ISSUED APRIL 23, 1984

VOLUME 1107

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-APPALACHIAN EXPLORATION INC				RECEIVED:	03/27/84	JA: OH			
8426888		3410323568		107-TF		H MILLS #4	SHARON	18.3	
8426887		3410323397		107-TF		J WILHITE #1	WADSWORTH	9.1	
8426890		3416923687		107-TF		M HOLVEY #3	CHIPPEWA	54.8	
8426889		3415321540		107-TF		MOLNAR #1	COPLEY	54.8	JDS ENERGY CORP
-ARAPAHO VENTURES OF NEW YORK INC				RECEIVED:	03/27/84	JA: OH			
8426891		3412123041		107-DV		REED-CARREL #1	WILDCAT	100.0	EAST OHIO GAS CO
-ATLAS ENERGY GROUP INC				RECEIVED:	03/27/84	JA: OH			
8426892		3415522393		103	107-TF	WINCH KING UNIT #2	BAZETTA	36.0	COLUMBIA GAS TRAN
-B & B OIL CO				RECEIVED:	03/27/84	JA: OH			
8426893		3416923641		107-TF		STEINHURST FARMS #1	MILTON	35.0	COLUMBIA GAS TRAN
-BASS ENERGY CO				RECEIVED:	03/27/84	JA: OH			
8426894		3410323547		107-TF		NAGEL #2	WADSWORTH	20.0	EAST OHIO GAS CO
8426895		3410323548		107-TF		SAWADE #1	WADSWORTH	18.0	EAST OHIO GAS CO
-BELDEN & BLAKE & CO 83				RECEIVED:	03/27/84	JA: OH			
8426896		3401921619		103	107-TF	W WEFLER #6-341303	AUGUSTA	36.5	
-BLAUSER WELL SERVICE INC				RECEIVED:	03/27/84	JA: OH			
8426897		3400922001	D	107-DV		CURTIS A RECTOR #1	CATHAGE	6.0	COLUMBIA GAS TRAN
-CLINTON OIL CO				RECEIVED:	03/27/84	JA: OH			
8426974		3411523480		107-TF		J GRUBB #1-A-616	CENTER	10.0	
8426973		3400722381		107-TF		MILLER-GIBSON UNIT #1-564	JEFFERSON	10.0	
8426976		3411926392		107-TF		ROSS JOHNSTON #1-735	CASS	10.0	
8426975		3411523481		107-TF		W CAMPBELL HEIRS UNIT #1A-577	CENTER	10.0	
-CNG DEVELOPMENT CO				RECEIVED:	03/27/84	JA: OH			
8426898		3405520654		103	107-TF	MEIER #1 CNGD #573	MONTVILLE	6.0	
-CONCORD ENERGY INC				RECEIVED:	03/27/84	JA: OH			
8426899		3411926930		107-TF		J SHERRICK #4	OTSEGO	45.0	EAST OHIO GAS CO
-ENERGY DEVELOPMENT CORP				RECEIVED:	03/27/84	JA: OH			
8426900		3405520700		107-RT		FRITINGER #2	WINDSOR	17.0	COLUMBIA GAS TRAN
-ENTERPRISE ENERGY CORP				RECEIVED:	03/27/84	JA: OH			
8426901		3411926813		103	107-TF	OHIO POWER #31	NEWTON	18.2	TEXAS EASTERN TRA
-ENVIROGAS INC				RECEIVED:	03/27/84	JA: OH			
8426902		3400922897		103	107-TF	DRYDOCK COAL #58TR	TRIMBLE	27.3	
8426903		3400922929		103	107-TF	OHIO MINING #11	YORK	18.2	
-FUTURE ENERGY CORPORATION				RECEIVED:	03/27/84	JA: OH			
8426909		3411523212		103	107-TF	DRAKE #2	MALTA MEDINA	30.0	
8426908		3411523057		103	107-TF	HAZEN #3	MALTA MEDINA	30.0	
8426911		3411523372		103	107-TF	HOPKINS UNIT #2	CENTER MEDINA	30.0	
8426910		3411523268		103	107-TF	NICEWANGER #1	MALTA MEDINA	30.0	
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED:	03/27/84	JA: OH			
8426912		3411926594		107-TF		LESTER VANDENBARK #2	ADAMSVILLE	0.0	OHIO GAS MARKETIN
8426913		3411926595		107-TF		LESTER VANDENBARK #3	ADAMSVILLE	0.0	OHIO GAS MARKETIN
-JADOIL INC				RECEIVED:	03/27/84	JA: OH			
8426915		3403125026		107-TF		EVARD & MILDRED LOWE #3	CLARK	18.0	COLUMBIA GAS TRAN
8426914		3403124752		107-TF		L & E AMMANN #6	CLARK	12.0	COLUMBIA GAS TRAN
-KENOIL				RECEIVED:	03/27/84	JA: OH			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8426916		3416923599		107-TF		WYCKOFF #2	CANAAN	10.0	COLUMBIA GAS TRAN
-LANGASCO DRILLING CO				RECEIVED:	03/27/84	JA: OH			
8426918		3402920999		107-TF		CHARLES SLUSS #1	WEST	47.0	YANKEE RESOURCES
8426919		3402921013		107-TF		HIPPELY UNIT #1	BUTLER	48.0	YANKEE RESOURCES
8426917		3402920985		107-TF		RICHARD MERCER #1	BUTLER	35.0	YANKEE RESOURCES
-LEADER EQUITIES INC				RECEIVED:	03/27/84	JA: OH			
8426920		3411926885		103	107-TF	BURLINGAME #2	MONROE	13.0	
-MARK RESOURCES CORP				RECEIVED:	03/27/84	JA: OH			
8426921		3400722506		103	107-TF	PAGE-RUIZ UNIT #1	KINGSVILLE	30.0	EAST OHIO GAS CO
-NEW FRONTIER EXPLORATION INC				RECEIVED:	03/27/84	JA: OH			
8426984		3412122654		103	107-TF	DONALD SLATER #2	NOBLE	0.0	YANKEE RESOURCES
8426981		3405923527		103	107-TF	EDWARD NOVAK #1	SPENCER	0.0	YANKEE RESOURCES
8426983		3411926933		103	107-TF	GAIL GREENWALD #2	HIGHLAND	0.0	YANKEE RESOURCES
8426985		3412123081		103	107-TF	JOHN EVANS #1	OLIVE	0.0	YANKEE EXPLORATIO
8426982		3405923538		103	107-TF	R LEE CONWAY #1	ADAMS	0.0	YANKEE RESOURCES
-NOBLE OIL CORP				RECEIVED:	03/27/84	JA: OH			
8426925		3400921648		107-TF		HOLCHISAK #1	BERLIN	20.0	EAST OHIO GAS CO
8426927		3411926908		107-TF		MANSPERGER #2	SALT CREEK	2.0	EAST OHIO GAS CO
8426926		3411926903		107-TF		PAUL #4	UNION	20.0	OHIO GAS MARKETIN
-OHIO PURE OIL CORP				RECEIVED:	03/27/84	JA: OH			
8426929		3407524209		103		K-16 (DL-5)	LOUDONVILLE	1.0	PALMER ENERGY
8426928		3400523661		103		YOUNG ZY-9	LOUDONVILLE	1.0	PALMER ENERGY
-POI ENERGY INC				RECEIVED:	03/27/84	JA: OH			
8426930		3400722587		103	107-TF	SIEMBOR #RM-1	NEW LYME	22.0	
-RED HILL DEVELOPMENT				RECEIVED:	03/27/84	JA: OH			
8426906		3415723855		103	107-TF	C DEGEN #1	BUCKS	23.0	
8426907		3415723875		103	107-TF	G DEGEN #2	BUCKS	21.0	
8426905		3415723854		103	107-TF	J DOLL #1	BUCKS	34.0	
8426904		3415723853		103	107-TF	R HARDING #1	BUCKS	13.0	
-ROVI RESOURCES CORP				RECEIVED:	03/27/84	JA: OH			
8426941		3411523313		107-TF		D RICHARDSON #1	BLOOM	10.0	COLUMBIA GAS PIPE
8426942		3411523314		107-TF		D RICHARDSON #2	BLOOM	10.0	COLUMBIA GAS PIPE
8426943		3411523315		107-TF		D RICHARDSON #3	BLOOM	10.0	COLUMBIA GAS PIPE
8426944		3411523316		107-TF		D RICHARDSON #4	BLOOM	10.0	COLUMBIA GAS PIPE
8426945		3411523317		107-TF		D RICHARDSON #5	BLOOM	10.0	COLUMBIA GAS PIPE
8426946		3411523318		107-TF		D RICHARDSON #6	BLOOM	10.0	COLUMBIA GAS PIPE
8426953		3411523437		107-TF		D ROBERTS #1	BLOOM	10.0	COLUMBIA GAS PIPE
8426954		3411523438		107-TF		D ROBERTS #2	BLOOM	10.0	COLUMBIA GAS PIPE
8426955		3411523439		107-TF		D ROBERTS #3	BLOOM	10.0	COLUMBIA GAS PIPE
8426956		3411523440		107-TF		D ROBERTS #4	BLOOM	10.0	COLUMBIA GAS PIPE
8426957		3411523441		107-TF		D ROBERTS #5	BLOOM	10.0	COLUMBIA GAS PIPE
8426958		3411523442		107-TF		D ROBERTS #6	BLOOM	10.0	COLUMBIA GAS PIPE
8426959		3411926654		107-TF		E WILSON #3	BLOOM	10.0	COLUMBIA GAS PIPE
8426962		3411926657		107-TF		E WILSON #4	BLOOM	10.0	COLUMBIA GAS PIPE
8426961		3411926656		107-TF		E WILSON #5	BLOOM	10.0	COLUMBIA GAS PIPE
8426960		3411926655		107-TF		E WILSON #6	BLOOM	10.0	COLUMBIA GAS PIPE
8426965		3411926750		107-TF		E WILSON #7	BLOOM	10.0	COLUMBIA GAS PIPE
8426964		3411926749		107-TF		E WILSON #8	BLOOM	10.0	COLUMBIA GAS PIPE
8426963		3411926671		107-TF		FRICK #5	BLOOM	10.0	COLUMBIA GAS PIPE
8426966		3411926830		107-TF		FRICK #6	BLOOM	10.0	COLUMBIA GAS PIPE
8426967		3411926831		107-TF		FRICK #7	BLOOM	10.0	COLUMBIA GAS PIPE
8426932		3411523297		107-TF		HICKMAN #1	BLOOM	10.0	COLUMBIA GAS PIPE
8426933		3411523298		107-TF		HICKMAN #2	BLOOM	10.0	COLUMBIA GAS PIPE
8426935		3411523301		107-TF		HICKMAN #4	BLOOM	10.0	COLUMBIA GAS PIPE
8426931		3411523296		107-TF		HICKMAN #5	BLOOM	10.0	COLUMBIA GAS PIPE
8426936		3411523302		107-TF		HICKMAN #6	BLOOM	10.0	COLUMBIA GAS PIPE
8426934		3411523299		107-TF		HICKMAN #7	BLOOM	10.0	COLUMBIA GAS PIPE
8426937		3411523309		107-TF		J RAY #1	BLOOM	10.0	COLUMBIA GAS PIPE
8426938		3411523310		107-TF		J RAY #2	BLOOM	10.0	COLUMBIA GAS PIPE
8426939		3411523311		107-TF		J RAY #3	BLOOM	10.0	COLUMBIA GAS PIPE
8426940		3411523312		107-TF		J RAY #4	BLOOM	10.0	COLUMBIA GAS PIPE
8426949		3411523327		107-TF		KLIES #2	BLOOM	10.0	COLUMBIA GAS PIPE
8426947		3411523324		107-TF		KLIES #3	BLOOM	10.0	COLUMBIA GAS PIPE
8426950		3411523328		107-TF		KLIES #4	BLOOM	10.0	COLUMBIA GAS PIPE
8426948		3411523325		107-TF		KLIES #5	BLOOM	10.0	COLUMBIA GAS PIPE
8426951		3411523329		107-TF		KLIES #6	BLOOM	10.0	COLUMBIA GAS PIPE
8426952		3411523330		107-TF		KLIES #7	BLOOM	10.0	COLUMBIA GAS PIPE
-SHONGUM OIL & GAS INC				RECEIVED:	03/27/84	JA: OH			
8426969		3410323237		107-TF		GEORGE J DUTT #4	WADSWORTH	0.0	
8426970		3410323275		107-TF		JACK TUREK #3	MONTVILLE	0.0	
8426968		3410323213		107-TF		ROBERT HUDDILSTON #2	MONTVILLE	0.0	
8426971		3410323612		107-TF		WILLIAMS UNIT #1	MONTVILLE	0.0	
-THE BENATTY CORPORATION				RECEIVED:	03/27/84	JA: OH			
8426972		3411523232		103	107-TF	OHIO POWER #4-25	CENTER	20.0	
-THE MUTUAL OIL & GAS COMPANY				RECEIVED:	03/27/84	JA: OH			
8426923		3415723035		103	107-TF	BAKER #1	GOSHEN	5.0	EAST OHIO GAS CO
8426922		3411122910		107-TF		CHRISTMAN #4M	SENECA	9.1	COLUMBIA GAS TRAN
8426924		3415723922		103	107-TF	LIGGETT #6	UNION	5.5	EAST OHIO GAS CO
-VIKING RESOURCES CORP				RECEIVED:	03/27/84	JA: OH			
8426978		3408520509		103	107-TF	BOOTH UNIT #8	PERRY	30.0	
8426977		3408520507		103	107-TF	FULLER-ROMANO UNIT #4	PERRY	30.0	
8426979		3410323539		103	107-TF	ROBERTSON UNIT #1	SHARON	30.0	
-WILLIAM N TIPKA				RECEIVED:	03/27/84	JA: OH			
8426980		3410323571		107-TF		GREATHOUSE UNIT #2	SHARON	0.0	DOEHLER-JARVIS

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OKLAHOMA CORPORATION COMMISSION
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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-AMCANA OIL CORP				RECEIVED:	03/26/84	JA: OK			
8426697	24566	3510920659		102-4		ANDERSON #1-2	WILDCAT	20.0	CHAMPLIN PETROLEU
-ANADARKO PRODUCTION COMPANY				RECEIVED:	03/26/84	JA: OK			
8426691	24192	3504922150		102-4		TERRY A 1-25	ANTIOCH SW	238.0	WARREN PETROLEUM
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/26/84	JA: OK			
8426684	27188	3504722811		108		NAY-QUEST #1	CARRIER	9.1	UNION TEXAS PETRO
-BARON EXPLORATION CO				RECEIVED:	03/27/84	JA: OK			
8426757	27078	3510322047		103		CORNISH #1		0.0	AMINOIL USA INC
-BEASLEY OIL CO				RECEIVED:	03/26/84	JA: OK			
8426695	27181	3507323852		103		IRENE BREDEL #1	EAST OMEGA	90.0	PHILLIPS PETROLEU
-BOGERT OIL CO				RECEIVED:	03/28/84	JA: OK			
8426987	23736	3501177948		102-4		HENRY #1-4	SOONER TREND	225.0	ARKANSAS LOUISIAN
-C & B OIL CO INC				RECEIVED:	03/28/84	JA: OK			
8426996	25958	3511908000		103		SHAWNEE INDIAN #2	RIPLEY	18.0	SUN GAS TRANSMISS
-CHALLENGER EXPLORATION INC				RECEIVED:	03/26/84	JA: OK			
8426689	27254	3505321319		103		RAQUEL #1	SOONER TREND	0.0	UNION - TEXAS PET
-CLARK OPERATING SERVICES INC				RECEIVED:	03/28/84	JA: OK			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8427001	27084	3510721683		103		GARRETT #1-30		90.0	PHILLIPS PETROLEU
-CLAY MOORE				RECEIVED:		03/27/84 JA: OK			
8426753	27058	3510920808		103		P M VOREL #1	N E LUTHER	7.3	SUN EXPLORATION &
-CLYDE M BECKER				RECEIVED:		03/26/84 JA: OK			
8426690	27272	3507100000		108		FIRMAN VICKERY #1		2.4	CITIES SERVICE OI
-CUESTA ENERGY CORP				RECEIVED:		03/26/84 JA: OK			
8426680	26998	3501131496		103		SEELKE #1-36	S W AMES	225.0	PHILLIPS PETROLEU
-GETTY OIL COMPANY				RECEIVED:		03/28/84 JA: OK			
8427002	24639	3501700000		107-PE		R H HUNTER #1	WATONGA TREND	106.0	MUSTANG FUEL CORP
-GREEN OPERATING CO				RECEIVED:		03/27/84 JA: OK			
8426741	26517	3508700000		108		AMBRISTER #5	CRINER	19.0	SUN EXPLORATION &
-GULF OIL CORPORATION				RECEIVED:		03/27/84 JA: OK			
8426745	26885	3508735608		108		BAXTER SHARTEL #1	EAST CRINER (HUNTON)	12.8	WARREN PETROLEUM/
-H & W OPERATING				RECEIVED:		03/27/84 JA: OK			
8426756	27077	3505900000		103		SERVIS #1		0.0	CLAICHE PIPELINE
-INDIAN WELLS OIL CO				RECEIVED:		03/26/84 JA: OK			
8426696	24647	3505300000		102-4		JONES #1	SOUTHWEST RENFROW	0.0	FARMLAND INDUSTRI
-JAY PETROLEUM INC				RECEIVED:		03/27/84 JA: OK			
8426746	26925	3515120037		108		CARLSON #2-25		16.3	EL GRANDE PIPELIN
-JOE A HUITT				RECEIVED:		03/27/84 JA: OK			
8426747	27005	3503720976		108		MILLGUN-MILLER #2	SILVER CITY	7.5	ARCO OIL & GAS CO
8426748	27006	3503721001		108		MILLGUN-MILLER #3	SILVER CITY	7.5	ARCO OIL & GAS CO
8426749	27008	3503723904		108		MILLGUN-MILLER #5	SILVER CITY	7.5	ARCO OIL & GAS CO
-LUBELL OIL CO				RECEIVED:		03/28/84 JA: OK			
8426988	24069	3509100000		102-4		ADAMS 1-29 "B" #1-29	RAIFORD N	55.0	WELLHEAD ENTERPRI
-MOBIL OIL CORP				RECEIVED:		03/28/84 JA: OK			
8427000	27080	3501900000		108		GRAHAM DEESE #5-1 C D WILLIAMS #1	SHO VEL TUM	1.0	LONE STAR GAS CO
-NORTH STAR EXPLORATION CO				RECEIVED:		03/28/84 JA: OK			
8426989	24855	3510920782		102-4		KRISTI MICHELLE #1		300.0	WESTWIND GAS CO
-PALM-COOK PRODUCTION CO				RECEIVED:		03/27/84 JA: OK			
8426738	25594	3504723436		103		RHODES #7		0.0	UNION TEXAS PETRO
-PETRO-LEWIS CORPORATION				RECEIVED:		03/28/84 JA: OK			
8426995	25911	3507326650		103		HOFFMAN 32-2	SOONER TREND	0.0	NORTHWEST CENTRAL
-PETROLEUM RESOURCES CO				RECEIVED:		03/26/84 JA: OK			
8426685	27203	3511700000		103		BURKDOLL #4	DEQUINSE	11.0	PHILLIPS PETROLEU
-RED STONE ENERGIES LTD				RECEIVED:		03/28/84 JA: OK			
8426994	25006	3501722397		102-4		REESE #18-3		0.0	PHILLIPS PETROLEU
8426993	25005	3501722450		102-4		REESE #18-4		0.0	PHILLIPS PETROLEU
8426992	25004	3501722530		102-4		REESE #18-5		0.0	PHILLIPS PETROLEU
8426991	25003	3501722513		102-4		REESE #18-6		0.0	PHILLIPS PETROLEU
8426990	25002	3501722542		102-4		REESE #18-7		0.0	PHILLIPS PETROLEU
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:		03/28/84 JA: OK			
8426999	27581	3514920401		102-2	107-TF	NOBLE #1-1	SOUTHEAST WEATHERFORD	3000.0	EL PASO NATURAL G
-SANTA FE MINERALS INC				RECEIVED:		03/26/84 JA: OK			
8426699	27260	3512521180		103		IRONS #32-3		140.0	TRANSOK INC
8426700	27259	3512521215		103		IRONS #32-4		180.0	TRANSOK INC
8426701	27258	3512521375		103		KURTZ #32-3		150.0	TRANSOK INC
-SANTA FE MINERALS INC				RECEIVED:		03/28/84 JA: OK			
8426986	27241	3501121903		103		C B LEE #33-1		140.0	OKLAHOMA GAS PIPE
-SANTA FE-ANDOVER OIL CO				RECEIVED:		03/27/84 JA: OK			
8426735	25111	3501121868		102-2		KLIEWER #26-3		500.0	OKLAHOMA GAS PIPE
8426736	25210	3501121869		102-2	103	KLIEWER #26-4		170.0	OKLAHOMA GAS PIPE
8426737	25346	3501121867		102-2	103	SCHEFFLER #25-4		160.0	OKLAHOMA GAS PIPE
-SKI ENERGY				RECEIVED:		03/26/84 JA: OK			
8426682	27099	3514322601		103		SKI 1-17		0.0	PHILLIPS PETROLEU
-SPELLER OIL CORP				RECEIVED:		03/27/84 JA: OK			
8426750	27009	3507323885		103		PEGGY "12" #2	SOONER TREND	73.0	CONOCO INC
-STANTON ENERGY INC				RECEIVED:		03/26/84 JA: OK			
8426698	27268	3503725365		103		EVANS #6		38.0	KERR-MCGEE REFINI
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		03/27/84 JA: OK			
8426752	27042	3505120719		108		CHILES-COOKSEY #2	MINCO SW	20.0	OKLAHOMA NATURAL
8426751	27041	3507122576		108		EAST BLACKWELL UT TR 4 #2	GARRETT NW	1.0	CITIES SERVICE OI
8426739	26309	3512500000		108		J DECKARD #2	ST LOUIS	2.0	ARCO OIL & GAS CO
8426743	26857	3509300000		108		S W RINGWOOD UNIT #18-1	RINGWOOD (MANNING)	8.0	RINGWOOD GATHERIN
8426744	26858	3509300000		108		S W RINGWOOD UNIT #21-1	RINGWOOD (MANNING)	13.0	RINGWOOD GATHERIN
8426740	26313	3512500000		108		SPAUGY #3	ST LOUIS	1.0	ARCO OIL & GAS CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		03/28/84 JA: OK			
8426997	26976	3505121465		103		NORGE MARCHAND #3-2	N W CHICKASHA	64.0	TRANSOK PIPELINE
-THK OIL PRODUCERS				RECEIVED:		03/27/84 JA: OK			
8426755	27072	3503722311		103		KING 1		0.0	WEST-TUL GAS CO
8426754	27065	3514320518		103		SANGER #2		0.0	WEST-TUL GAS CO
-TXO PRODUCTION CORP				RECEIVED:		03/26/84 JA: OK			
8426688	27238	3504320881		108		FARRIS "B" #1	PUTNAM	7.0	DELHI GAS PIPELIN
8426692	24215	3512120596		102-4	103	KERR MCGEE "D" #1		89.0	DELHI GAS PIPELIN
8426686	27236	3509322165		108		MARTIN 'K' #1	SE BADO	6.0	DELHI GAS PIPELIN
8426687	27237	3504721459		108		THAIN #1	W DOUGLAS	9.0	OKLAHOMA GAS & EL
-TXO PRODUCTION CORP				RECEIVED:		03/28/84 JA: OK			
8426998	26979	3515321461		103		HOMER #1	N E WOODWARD	0.0	DELHI GAS PIPELIN
-UNION TEXAS PETROLEUM CORP				RECEIVED:		03/26/84 JA: OK			
8426683	27104	3507300000		108		A G WRIGHT #3	CASHION	4.0	SWAD CORP
8426693	27106	3509300000		108		H A LOGAN #1	HODGE #1	0.0	PANHANDLE EASTERN
8426694	27107	3509300000		108		OPAL BAKER #1	HODGE 1	2.0	PANHANDLE EASTERN
-WARREN DRILLING CO INC				RECEIVED:		03/27/84 JA: OK			
8426758	27079	3509322766		103		MCMILLIAN #2	DANE	50.0	PHILLIPS PETROLEU
-WOODS PETROLEUM CORPORATION				RECEIVED:		03/27/84 JA: OK			
8426742	26770	3510322114		103		BMU BACK #P-4	S BILLINGS MISSISSIPP	11.0	ARCO OIL & GAS CO
-101 ENERGY CORP				RECEIVED:		03/26/84 JA: OK			
8426681	27096	3509322791		103		R ROYCE 29-1	SOONER TREND	36.0	WELLHEAD ENTERPRI

WEST VIRGINIA DEPARTMENT OF MINES

-BELCHER GAS CO				RECEIVED:		03/27/84 JA: WV			
8426885		4709921097		108		GENTRY & DOROTHY BELCHER	UNION	7.2	DEVON ENERGY CORP
-BRAXTON OIL AND GAS CORP				RECEIVED:		03/27/84 JA: WV			
8426884		4708300332		108		MOSS #1	ELLAMORE	10.0	COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP				RECEIVED:		03/27/84 JA: WV			
8426871		4701900398		108		H WALKUP #1	MT COVE	20.9	EQUITABLE GAS CO
8426872		4710900851		108		POCAHONTAS I-27	BARKERS RIDGE	18.2	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:		03/27/84 JA: WV			
8426860		4709702485		108		CHARLES DEPOY 12792	WASHINGTON	15.0	GENERAL SYSTEM PU
8426881		4704700587		108		GLADYS B COOKE 11574	SANDY RIVER	18.0	GENERAL SYSTEM PU
8426886		4703300561		108		HOWARD NEELEY 11348	GRANT	20.0	GENERAL SYSTEM PU
8426730		4703302877		103		JACK & LARA KORASEC 12540	UNION	14.0	GENERAL SYSTEM PU
8426880		4704700423		108		OLGA COAL COMPANY 11039	SANDY RIVER	21.0	GENERAL SYSTEM PU

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8426882		4703302803		108		RONALD M HITT 12772	UNION	10.0	GENERAL SYSTEM PU
8426729		4701703214		103		STONYBROOK INC 12819	GREENBRIER	8.0	GENERAL SYSTEM PU
8426879		4704102712		108		WHITE-EGAN 8448	FREEMANS CREEK	20.0	GENERAL SYSTEM PU
8426859		4708101704		108		WILMA J LANTZ 12773	PHILLIPPI	3.0	GENERAL SYSTEM PU
-ENERGY DEVELOPMENT CORPORATION				RECEIVED:	03/27/84	JA: WV			
8426702		4704700880		103		EDC 847 - MCD - 880	BIG SANDY	50.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC				RECEIVED:	03/27/84	JA: WV			
8426862		4703301980		108		B-221	EAGLE	0.0	CONSOLIDATED GAS
8426865		4703302662		108		B-230	CLARK	0.0	CONSOLIDATED GAS
8426874		4703302027		108		B-232	UNION	0.0	CONSOLIDATED GAS
8426868		4704102572		108		B-254	HACKER'S CREEK	0.0	CONSOLIDATED GAS
8426878		4703302018		108		B-260	SARDIS	0.0	CONSOLIDATED GAS
8426873		4703302198		108		B-267	SARDIS	0.0	CONSOLIDATED GAS
8426864		4703302485		108		B-282	EAGLE	0.0	CONSOLIDATED GAS
8426877		4703302380		108		B-285	SARDIS	0.0	CONSOLIDATED GAS
8426866		4703302247		108		B-286	EAGLE	0.0	CONSOLIDATED GAS
8426867		4703302351		108		B-350	SARDIS	0.0	CONSOLIDATED GAS
8426861		4703302352		108		B-351	SARDIS	0.0	CONSOLIDATED GAS
8426876		4703302388		108		B-355	SARDIS	0.0	CONSOLIDATED GAS
8426863		4703302479		108		B-411	EAGLE	0.0	CONSOLIDATED GAS
8426875		4703301167		108		B-87	CLARK	0.0	CONSOLIDATED GAS
8426870		4704102675		108		B-89	HACKERS CREEK	0.0	CONSOLIDATED GAS
8426869		4704102124		108		B-99	HACKERS CREEK	0.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	03/27/84	JA: WV			
8426734		4704900760		103		JAMES F SCOTT S-478	GRANT	0.2	
-L K ENERGIES INC				RECEIVED:	03/27/84	JA: WV			
8426883		4708501860		108		W A GOFF #1	UNION	2.6	CONSOLIDATED GAS
-OHIO L & M CO INC				RECEIVED:	03/27/84	JA: WV			
8426728		4702104121		103		ARBUCKLE #1	UNION	10.0	CONSOLIDATED GAS
8426718		4707301688		103		GRACE KESTER #1	UNION	10.0	CONSOLIDATED GAS
-R & B PETROLEUM INC				RECEIVED:	03/27/84	JA: WV			
8426717		4708300825		103		R HATHAWAY #2	ROARING CREEK	2.7	EASTERN AMERICAN
-SWIFT ENERGY CO				RECEIVED:	03/27/84	JA: WV			
8426732		4709100365		102-2		A MCGUINNESS #2	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8426720		4709100359		107-DV		C REED #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8426724		4709100359		102-2		C REED #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8426726		4700701807		103		FRIEND #2	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8426727		4700701826		103		FRIEND #5	OTTER DISTRICT	25.0	TENNESSEE GAS PIP
8426721		4709100356		107-DV		KERNS #2	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8426731		4709100356		102-2		KERNS #2	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8426723		4709100318		107-DV		LUCAS HEIRS #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8426733		4709100318		102-2		LUCAS HEIRS #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8426719		4709100365		107-DV		MCGUINNESS #2	FETTERMAN DISTRICT	0.0	TENNESSEE GAS PIP
8426722		4709100346		107-DV		P BROWN #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8426725		4709100346		102-2		P BROWN #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
-UNION DRILLING INC				RECEIVED:	03/27/84	JA: WV			
8426709		4705300269		107-DV		DALE HIBERT #1 1738	CLENDENIN DISTRICT	0.0	GOODYEAR TIRE & R
8426710		4705300269		103		DALE HIBERT #1 1738	CLENDENIN DISTRICT	0.0	GOODYEAR TIRE & R
8426706		4705300303		107-DV		DALE HIBERT #2 1912	CLENDENIN DISTRICT	0.0	GOODYEAR TIRE & R
8426712		4705300303		103		DALE HIBERT #2 1912	CLENDENIN DISTRICT	0.0	GOODYEAR TIRE & R
8426708		4705300301		107-DV		I KELSON COOPER #1 1928	HANNAN DISTRICT	0.0	GOODYEAR TIRE & R
8426711		4705300301		103		I KELSON COOPER #1 1928	HANNAN DISTRICT	0.0	GOODYEAR TIRE & R
8426703		4705300309		107-DV		INEZ G NEWMAN #1 1913	CLENDENIN DISTRICT	0.0	GOODYEAR TIRE & R
8426716		4705300309		103		INEZ G NEWMAN #1 1913	CLENDENIN DISTRICT	0.0	GOODYEAR TIRE & R
8426704		4705300305		107-DV		JUNIOR F POWELL #1 1914	CLENDENIN DISTRICT	0.0	GOODYEAR TIRE & R
8426715		4705300305		103		JUNIOR F POWELL #1 1914	CLENDENIN DISTRICT	0.0	GOODYEAR TIRE & R
8426705		4705300304		107-DV		VERNON M VARNUM #1 1916	CLENDENIN DISTRICT	0.0	GOODYEAR TIRE & R
8426714		4705300304		103		VERNON M VARNUM #1 1916	CLENDENIN DISTRICT	0.0	GOODYEAR TIRE & R
8426707		4705300302		107-DV		WILLIAM E KIRK #1 1915	CLENDENIN DISTRICT	0.0	GOODYEAR TIRE & R
8426713		4705300302		103		WILLIAM E KIRK #1 1915	CLENDENIN DISTRICT	0.0	GOODYEAR TIRE & R

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** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ALBUQUERQUE, NM
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-AMOCO PRODUCTION CO				RECEIVED:	03/26/84	JA: NM K			
8426836	NM 1204-83	3004508585		108		A L ELLIOTT "A" #2	BLANCO-FRUITLAND/PICT	9.0	EL PASO NATURAL G
8426791	NM 1276-83	3004525626		103		J C GORDON "D"/TRUE #5E	BASIN DAKOTA	31.0	EL PASO NATURAL G
8426840	NM 1202-83	3003922481		108		JICARILLA CONTRACT 146 #30	OTERO-CHACRA	13.0	EL PASO NATURAL G
8426838	NM-1206-83	3003920244		108		JICARILLA GAS COM 35-C #1	BASIN - DAKOTA	10.0	NORTHWEST PIPELIN
8426837	NM 1205-83	3004506524		108		MARTIN GAS COM "F" #1	BASIN - DAKOTA	8.0	EL PASO NATURAL G
8426835	NM-1207-83	3004521497		108		NAVAJO TRIBAL "O" #26	TOCITO DOME - PENNSYL	11.0	EL PASO NATURAL G
8426818	NM 1277-83	3004525637		103		U S A C A MCADAMS "D"/TRUE #1E	BASIN - DAKOTA	21.0	EL PASO NATURAL G
-BLACKWOOD & NICHOLS CO LTD				RECEIVED:	03/26/84	JA: NM K			
8426789	NM-1278-83	3004525522		107-TF		NORTHEAST BLANCO UNIT #217	SOUTH LOS PINOS FRUIT	40.0	EL PASO NATURAL G
8426820	NM 1275-83	3004525522		103		NORTHEAST BLANCO UNIT #217	SOUTH LOS PINOS FRUIT	40.0	EL PASO NATURAL G
-BOLACK MINERALS CO				RECEIVED:	03/26/84	JA: NM K			
8426800	NM 1265-83	3003923263		103		CANYON LARGO UNIT #318	BASIN DAKOTA	60.0	
-CHACE OIL COMPANY INC				RECEIVED:	03/26/84	JA: NM K			
8426843	NM 1199-83	3003923215		103		JICARILLA 71-14	SOUTH LINDRITH GALLUP	8.0	NORTHWEST PIPELIN
-COTTON PETROLEUM CORPORATION				RECEIVED:	03/26/84	JA: NM K			
8426810	NM-1994-82	3003922221		108		APACHE #27	SOUTH BLANCO	0.0	NORTHWEST PIPELIN
-DEPCO INC				RECEIVED:	03/26/84	JA: NM K			
8426825	NM-1127-83	3003922132		107-TF		CANDADO #24-A	OTERO CHACRA/BLANCO M	4.0	EL PASO NATURAL G
-DUGAN PRODUCTION CORP				RECEIVED:	03/26/84	JA: NM K			
8426833	NM-1208-83	3004320597		102-2		BALLYMALOE #1	UNDESIGNATED CHACRA	20.0	NORTHWEST PIPELIN
8426831	NM-1210-83	3003923287		103		CELSIUS #2	COUNSELORS GALLUP	12.0	NORTHWEST PIPELIN
8426802	NM-1255-83	3004525729		103		COALY #1	WILDCAT PICTURED CLIF	1.5	NORTHWEST PIPELIN
8426801	NM-1254-83	3004525711		103		HUGH LAKE #2	WILDCAT PICTURED CLIF	50.0	NORTHWEST PIPELIN
8426768	NM-1253-83	3004525713		103		HUGH LAKE #3	WILDCAT PICTURED CLIF	15.0	NORTHWEST PIPELIN
8426854	NM 1146-83	3004523887		108		IRISH #1-J	WAW FRUITLAND-PICTURE	3.0	EL PASO NATURAL G
8426767	NM-1252-83	3004525730		103		KENNEBEC #1	WILDCAT PICTURED CLIF	20.0	NORTHWEST PIPELIN
8426851	NM-1153-83	3004523509		108		KR #10	WAW FRUITLAND PC	7.0	EL PASO NATURAL G
8426764	NM-1149-83	3004522694		108		KR #4	WAW FRUITLAND PC	1.0	EL PASO NATURAL G
8426852	NM-1150-83	3004522691		108		KR #6	WAW FRUITLAND PC	4.0	EL PASO NATURAL G
8426853	NM-1151-83	3004522693		108		KR #7	WAW FRUITLAND PC	8.0	EL PASO NATURAL G
8426775	NM-1152-83	3004522690		108		KR #8	WAW FRUITLAND PC	8.0	EL PASO NATURAL G
8426809	NM 1126-83	3004524222		108		LA LEE ANN #3	WAW FRUITLAND PC	2.0	EL PASO NATURAL G
8426808	NM 1125-83	3004524223		108		LA LEE ANN #4	WAW FRUITLAND PC	1.5	EL PASO NATURAL G
8426834	NM-1209-83	3004525399		103		PET INC #19	OJO PICTURED CLIFFS	2.0	NORTHWEST PIPELIN
8426855	NM-1147-83	3004560162		108		REDFERN #2	FULCHER KUTZ PICTURED	15.0	EL PASO NATURAL G
8426763	NM-1148-83	3004524797		108		REDFERN #7	UNDESIGNATED FARMINGT	2.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/26/84	JA: NM K			
8426790	NM 1281-83	3004506127		108		BOLACK C #15	BLANCO-MESA VERDE	13.0	EL PASO NATURAL G
8426782	NM-1228-83	3004509866		108		BRUINGTON #3 PC & MV	AZTEC-PICTURED CLIFFS	17.0	EL PASO NATURAL G
8426848	NM-1188-83	3003921964		108		CANYON LARGO UNIT #291	BASIN - DAKOTA	14.0	EL PASO NATURAL G

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8426830	NM-685-83-PB	3004523689		108-PB		FIELDS #13	BLANCO	0.0	EL PASO NATURAL G
8426829	NM-601-83-PB	3003906851		108-PB		HARRINGTON #2	SOUTH BLANCO	0.0	EL PASO NATURAL G
8426794	NM 1183-83	3004521036		108		HUGHES #18	BLANCO - PICTURED CLI	12.0	EL PASO NATURAL G
8426799	NM-1260-83	3003906528		108		JICARILLA J #16	SOUTH BLANCO - PICTUR	14.0	EL PASO NATURAL G
8426850	NM1184-83	3004521049		108		KING #2	BLANCO-PICTURED CLIFF	12.0	EL PASO NATURAL G
8426772	NM 1176-83	3004513113		108		LUDWICK #20	BASIN - DAKOTA	16.0	EL PASO NATURAL G
8426811	NM 1226-83	3004513111		108		MANSFIELD #5	BLANCO - PICTURED CLI	12.0	EL PASO NATURAL G
8426783	NM 1230-83	3004509228		108		MANSFIELD #6	BLANCO-PICTURED CLIFF	12.0	EL PASO NATURAL G
8426792	NM 1186-83	3004507199		108		OMLER #6	FULCHER KUTZ - PICTUR	15.0	EL PASO NATURAL G
8426844	NM-1194-83	3004505536		108		QUITZAU #5	BALLARD-PICTURED CLIF	11.0	EL PASO NATURAL G
8426759	NM-1171-83	3003907002		108		RIPLEY #3	BLANCO - MESA VERDE	15.0	EL PASO NATURAL G
8426773	NM-1168-83	3003907418		108		SAN JUAN 28-5 UNIT #25	BLANCO - MESA VERDE	14.0	EL PASO NATURAL G
8426793	NM 1182-83	3003907442		108		SAN JUAN 28-5 UNIT #27	BLANCO - MESA VERDE	17.0	EL PASO NATURAL G
8426849	NM-1189-83	3003907073		108		SAN JUAN 28-6 UNIT #82 PC & MV	SOUTH BLANCO-PICTURED	18.0	EL PASO NATURAL G
8426813	NM 1223-83	3003907223		108		SAN JUAN 28-7 UNIT #10	BLANCO - MESA VERDE	16.0	EL PASO NATURAL G
8426760	NM 1174-83	3003906906		108		SAN JUAN 28-7 UNIT #123	SOUTH BLANCO - PICTUR	13.0	EL PASO NATURAL G
8426784	NM 1224-83	3003907132		108		SAN JUAN 28-7 UNIT #81 MV & PC	BLANCO MESA VERDE SOU	17.0	EL PASO NATURAL G
8426780	NM-1233-83	3003908118		108		SAN JUAN 29-7 UNIT #100	BASIN-DAKOTA	14.0	EL PASO NATURAL G
8426797	NM 1179-83	3003907671		108		SAN JUAN 29-7 UNIT #101	BASIN DAKOTA	15.0	EL PASO NATURAL G
8426774	NM-1169-83	3004511314		108		SAN JUAN 32-9 UNIT #27	BLANCO - MESA VERDE G	15.0	EL PASO NATURAL G
8426771	NM-1175-83	3004511432		108		SAN JUAN 32-9 UNIT #54	BLANCO-MESA VERDE	17.0	EL PASO NATURAL G
8426842	NM-1198-83	3004507183		108		STOREY #1	BLANCO - MESA VERDE	18.0	EL PASO NATURAL G
8426845	NM 1197-83	3004513231		108		STOREY B #3	BLANCO-MESA VERDE	16.0	EL PASO NATURAL G
8426805	NM 1177-83	3003906283		108		VAUGHN #4 CH & PC	OTERO - CHACRA/SOUTH	18.0	EL PASO NATURAL G
-GETTY OIL COMPANY				RECEIVED:	03/26/84	JA: NM K			
8426826	NM 1128-83	3003905965		108		C W ROBERTS #4	OJITO GALLUP-DAKOTA	6.0	EL PASO NATURAL G
-GRACE PETROLEUM CORPORATION				RECEIVED:	03/26/84	JA: NM K			
8426841	NM 1200-83	3003905106		108		MCBEE "B" #1	LYBROOK	0.0	GAS CO OF NEW MEX
-HUSKY OIL COMPANY				RECEIVED:	03/26/84	JA: NM K			
8426839	NM-1201-83	3004500000		108		FRONTIER AZTEC UNIT B #1-D	BASIN DAKOTA	12.0	EL PASO NATURAL G
-M R SCHALK				RECEIVED:	03/26/84	JA: NM K			
8426781	NM-1234-83	3003900000		103		SCHALK 29-4 #10	PICTURED CLIFFS	0.0	NORTHWEST PIPELIN
-MERRION OIL & GAS CORP				RECEIVED:	03/26/84	JA: NM K			
8426778	NM-1236-83	3003923083		103		CANYON LARGO UNIT #306	DEVILS FORK GALLUP	151.5	EL PASO NATURAL G
8426803	NM-1250-83	3003923266		103		CANYON LARGO UNIT #328	DEVILS FORK GALLUP	38.0	EL PASO NATURAL G
8426779	NM-1237-83	3004320673		103		JICARILLA 430 #5	UNDESIGNATED DAKOTA	16.4	NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	03/26/84	JA: NM K			
8426858	NM-1129-83	3003923231		102-2		RUCKER LAKE #2	GAVILAN GALLUP	7.3	NORTHWEST PIPELIN
8426807	NM 1130-83	3004510675		108		SAN JUAN 32-8 UNIT 23	BLANCO MESAVERDE	22.0	NORTHWEST PIPELIN
-PETRO-LEWIS CORPORATION				RECEIVED:	03/26/84	JA: NM K			
8426766	NM-1259-83	3003900000		108		WERNTZ FEDERAL #1	SOUTH BLANCO PC	11.0	EL PASO NATURAL G
-PIONEER PRODUCTION CORPORATION				RECEIVED:	03/26/84	JA: NM K			
8426770	NM-1249-83	3004500000		108		PHILLIPS #1	BASIN DAKOTA	0.0	WESTAR TRANSMISSI
-ROBERT L BAYLESS				RECEIVED:	03/26/84	JA: NM K			
8426821	NM-1256-83	3003923113		103		JICARILLA 363 B #5	SOUTH BLANCO PICTURED	11.0	NORTHWEST PIPELIN
-SHERMAN F WAGENSELLER				RECEIVED:	03/26/84	JA: NM K			
8426761	NM-1158-83	3003923299		103		MOBIL APACHE #20	SOUTH BLANCO PC	37.3	EL PASO NATURAL G
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED:	03/26/84	JA: NM K			
8426804	NM-1251-83	3004525665		103		SOUTH BISTI #1	BISTI GALLUP	50.0	EL PASO NATURAL G
-TENNECO OIL COMPANY				RECEIVED:	03/26/84	JA: NM K			
8426796	NM 1294-83	3004525747		103		BOLACK A 1E	BASIN DAKOTA	60.0	EL PASO NATURAL G
8426832	NM-1211-83	3004505674		108		CALDWELL GAS UNIT A #1	BASIN DAKOTA	13.0	EL PASO NATURAL G
8426819	NM-1266-83	3004520147		107-TF		FLORANCE 103	BLANCO FRUITLAND	5.0	EL PASO NATURAL G
8426806	NM-1243-83	3004511643		108		FLORANCE 73	BLANCO PICTURED CLIFF	12.0	EL PASO NATURAL G
8426847	NM-1191-83	3004525603		103		GELBKE COM 1E	BASIN DAKOTA	47.0	EL PASO NATURAL G
8426812	NM-1221-83	3004525592		103		JACKSON COM 1E	BASIN DAKOTA	68.0	EL PASO NATURAL G
8426785	NM-1212-83	3004525601		107-TF		PRITCHARD 9	UNDESIGNATED FRUITLAN	51.0	NORTHWEST PIPELIN
8426795	NM-1293-83	3004525769		103		STOREY C 3E	BASIN DAKOTA	54.0	NORTHWEST PIPELIN
8426846	NM-1190-83	3004525179		103		VANDEWART 2E	BASIN DAKOTA	70.0	EL PASO NATURAL G
-UNICON PRODUCING CO				RECEIVED:	03/26/84	JA: NM K			
8426788	NM-1217-83	3004525702		103		ALBRIGHT #11	GALLUP	35.0	EL PASO NATURAL G
8426827	NM-1123-83	3004525700		103		ANGEL PEAK #28	GALLUP	144.0	GAS CO OF NEW MEX
8426786	NM-1213-83	3004525739		103		ANGEL PEAK "B" #35	GALLUP	56.0	GAS CO OF NEW MEX
8426816	NM-1214-83	3004525582		103		ANGEL PEAK "B" #38	GALLUP	34.0	GAS CO OF NEW MEX
8426814	NM-1218-83	3004525686		103		ANGEL PEAK "B" #44	GALLUP	28.0	GAS CO OF NEW MEX
8426828	NM-1124-83	3004525673		103		CONGRESS #18	GALLUP	55.0	GAS CO OF NEW MEX
8426824	NM-1138-83	3003962280		108		JICARILLA "F" #2	PICTURED CLIFFS	41.0	GAS CO OF NEW MEX
8426857	NM-1143-83	3003920905		108		JICARILLA "F" #3	MESA VERDE	55.0	GAS CO OF NEW MEX
8426822	NM-1145-83	3003906333		108		JICARILLA "J" #3	PICTURED CLIFFS	20.0	GAS CO OF NEW MEX
8426856	NM-1139-83	3003963310		108		JICARILLA J #5	PICTURED CLIFFS	59.0	GAS CO OF NEW MEX
8426765	NM-1144-83	3004524562		108		NEWSOM "A" #10	BALLARD PICTURED CLIF	59.0	GAS CO OF NEW MEX
8426817	NM-1215-83	3004525607		103		REID "B" #4	GALLUP	82.0	EL PASO NATURAL G
8426777	NM-1240-83	3004525691		103		REID "B" #5	GALLUP	137.0	EL PASO NATURAL G
8426769	NM-1244-83	3004525690		103		REID B #6	GALLUP	21.0	EL PASO NATURAL G
8426823	NM-1131-83	3004510390		108		SENTER FEDERAL #1	DAKOTA	28.0	EL PASO NATURAL G
8426762	NM-1166-83	3004523734		108		SUMMIT #8	FRUITLAND	39.0	SOUTHERN UNION GA
8426776	NM-1239-83	3004525704		103		WILSON #3	GALLUP	50.0	EL PASO NATURAL G
8426787	NM-1216-83	3004525597		103		ZACHRY #50	GALLUP	63.0	EL PASO NATURAL G
-WILLIAM C RUSSELL				RECEIVED:	03/26/84	JA: NM K			
8426798	NM-1117-83	3004525528		103		GRAHAM #96	LARGO CHACRA	50.0	EL PASO NATURAL G
8426815	NM-1220-83	3004525528		103		RUSSELL #96 GRAHAM	LARGO CHACRA	50.0	EL PASO NATURAL G
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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8426652	G3-3925	1772440242		102-5		MAIN PASS BLK 296 #B-11	MAIN PASS	10.0	SOUTHERN NATURAL
8426660	G3-3923	1772440245		102-5		MAIN PASS BLK 296 #B-13D	MAIN PASS	10.0	SOUTHERN NATURAL
8426659	G3-3921	1772440229		102-5		MAIN PASS BLK 296 #B-4D	MAIN PASS	0.0	SOUTHERN NATURAL
8426653	G3-3926	1772440236		102-5		MAIN PASS BLK 296 #B-8	MAIN PASS	10.0	SOUTHERN NATURAL
8426661	G3-3887	1772440223		102-5		MAIN PASS BLK 296 B-1	MAIN PASS	10.0	SOUTHERN NATURAL
8426662	G3-3888	1772440244		102-5		MAIN PASS BLK 296 B-14	MAIN PASS	50.0	SOUTHERN NATURAL
8426656	G3-3896	1772440253		102-5		MAIN PASS BLK 296 B-18	MAIN PASS	10.0	SOUTHERN NATURAL
8426651	G3-3924	1772440229		102-5		MAIN PASS BLK 296 B-4	MAIN PASS	10.0	SOUTHERN NATURAL
8426658	G3-3908	1772440240		102-5		MAIN PASS BLK 304 #B-10	MAIN PASS	10.0	SOUTHERN NATURAL
8426657	G3-3907	1772440243		102-5		MAIN PASS BLK 304 #B-12	MAIN PASS	10.0	SOUTHERN NATURAL
-EXXON CORPORATION				RECEIVED:		03/26/84 JA: LA W			
8426669	G3-4067	1771540303		102-5		OCS-G 1258 #C-11	SOUTH TIMBALIER	100.0	TRUNKLINE GAS CO
8426654	G3-3968	1771540547		102-5		OCS-G 1255 #D-14	SOUTH TIMBALIER	192.0	TRUNKLINE GAS CO
8426655	G3-3969	1771540547		102-5		OCS-G 1255 #D-14-D	SOUTH TIMBALIER	615.0	TRUNKLINE GAS CO
8426666	G4-4193	1771940234		107-DP		OCS-G 1447 #Z-5	WEST DELTA	2750.0	
8426673	G3-4119	1770240464		102-5		OCS-G 2560 #A-1	WEST CAMERON	1800.0	COLUMBIA GAS TRAN
-GULF OIL CORPORATION				RECEIVED:		03/26/84 JA: LA W			
8426671	G3-4106	1772140288		102-5		OCS-G 2177 A-12 S/P BLK 49 FLD	SOUTH PASS	219.0	TEXAS EASTERN TRA
8426665	G4-4185	1772140300		102-5		OCS-G 2177 WELL A-5 S/P BLK 49 FLD	SOUTH PASS	183.0	TEXAS EASTERN TRA
8426678	G4-4168	1772140291		102-5		OCS-G 2177 WELL A-8 S/P BLK 49 FLK	SOUTH PASS	270.0	TEXAS EASTERN TRA
8426663	G4-4179	1770540579		107-DP		VERMILION 39 FLD B 24 OCS-G 3543 #6	VERMILION	8395.0	TEXAS EASTERN TRA
8426664	G4-4180	1770540593		107-DP		VERMILION 39 FLD OCS-G 3543 #7	VERMILION 39 FIELD BL	1895.0	TEXAS EASTERN TRA
-HUNT OIL COMPANY				RECEIVED:		03/26/84 JA: LA W			
8426677	G3-4029	1770940579		102-5		WELL #8	EUGENE ISLAND	355.0	MICHIGAN WISCONSI
8426679	G3-4145	1770940601		102-5		WELL #9	EUGENE ISLAND	0.0	MICHIGAN WISCONSI
-KERR-MCGEE CORPORATION				RECEIVED:		03/26/84 JA: LA W			
8426668	G3-4039	1771140699		102-5		OCS G-1528 #B-10 (ST 1)	SHIP SHOAL	10.9	TRANSCONTINENTAL
8426675	G3-3979	1771140722		102-5		OCS 0832 C-12	SHIP SHOAL	589.0	TRANSCONTINENTAL
-ODECO OIL & GAS CO				RECEIVED:		03/26/84 JA: LA W			
8426674	G3-3974	1771540526		102-5		OCS-0605 #20A	SOUTH TIMBALIER 86 FI	567.0	TRUNKLINE GAS CO
8426667	G3-4037	1771540526		102-5		OCS-0605 #20B	SOUTH TIMBALIER 86 FI	138.0	TRUNKLINE GAS CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED:		03/26/84 JA: LA W			
8426676	G3-3988	1770040629		102-5		OCS-0757 WC BLK 118 WELL NO 9D	WEST CAMERON	1825.0	NATURAL GAS PIPEL
-TENNECO OIL COMPANY				RECEIVED:		03/26/84 JA: LA W			
8426670	G3-4084	1770740220		102-5		SOUTH MARSH ISLAND 252 #2	SOUTH MARSH ISLAND	7000.0	TENNESSEE GAS PIP
8426672	G3-4109	1770540594		102-5		VERMILION BLOCK 50 D-3 WELL	VERMILION	2190.0	TEXAS EASTERN TRA

[FR Doc. 84-11468 Filed 4-26-84; 8:45 am]

BILLING CODE 6717-01-C

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NGPA Notices of Determination by Jurisdictional Agencies

Issued: April 23, 1984.

Note.—By final rule issued by the Commission on February 22, 1984 (Order No. 362, Docket RM83-50-000, 49 FR 7109-13, February 27, 1984), notices of determination issued by the Commission after May 27, 1984, *will not be published in the* Federal Register. Applicants listed on FERC Form 121 will be notified by mail of Commission receipt of determinations. All other parties should contact: TS Infosystems, Inc., Attn: Mr. Milton Chichester, 825 North Capitol Street, Room 1000, Washington, D.C. 20426, to inquire about subscribing to these notices. Copies of Order No. 362 are available from the same source.

The following notices of determination were received from the indicated jurisdictional agencies by the FERC pursuant to the NGPA and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production is in million cubic feet (MMcf).

The applications for determination are available for inspection, except for material which is confidential under 18 CFR 275.206, at the FERC, 825 North Capitol St., Room 1000, Washington, D.C. Persons objecting to any of these determinations may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date the notice is issued by the Commission.

Source data from the FERC Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Road, Springfield, Virginia 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
- 102-2: New well (2.5 mile rule)
- 102-3: New well (1000 ft rule)
- 102-4: New onshore reservoir
- 102-5: New res. on old OCS lease

Section 103: New onshore production well

Section 107-DP: 15,000 ft or deeper
- 107-GB: Geopressured brine
- 107-DV: Devonian shale
- 107-CS: Coal seam gas
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Temporary pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS — VOLUME 1108

ISSUED APRIL 23, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OKLAHOMA CORPORATION COMMISSION									
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/30/84	JA: OK			
8427097	27165	3508735324		108		H G LITTLE #1	PAYNE	7.3	WARREN PETROLEUM
8427096	27166	3509321772		108		WARD VICKERY UNIT #2	NORTHEAST CEDARDALE	14.6	ANR PIPELINE CO
-CONOCO INC				RECEIVED:	03/30/84	JA: OK			
8427089	24119	3513900000		108		C H LOHMAN #1	GUYMON-HUGOTON	0.0	NORTHWEST CENTRAL
-DUNE EXPLORATION CO				RECEIVED:	03/30/84	JA: OK			
8427104	26769	3511100000		108		WILDLIFE #2	COALTON FIELD	20.0	PHILLIPS PETROLEU
-GREENWOOD HOYET				RECEIVED:	03/30/84	JA: OK			
8427094	26496	3510522546		108		JE JOHNSON #2 26496	WOODY	40.0	A G SYSTEMS
8427093	26498	3510523791		108		JE JOHNSON #3 26498	WOODY	40.0	A G SYSTEMS
8427109	26499	3510552379		108		JE JOHNSON #5 26499	WOODY	40.0	A G SYSTEMS
8427108	26500	3510523789		108		JE JOHNSON #6 26500	WOODY	40.0	A G SYSTEMS
8427107	26501	3510523791		108		JE JOHNSON #7 26501	WOODY	40.0	A G SYSTEMS
8427092	26502	3510523791		108		JE JOHNSON #8 26502	WOODY	40.0	A G SYSTEMS
8427106	26503	3510523791		108		JE JOHNSON #9 26503	WOODY	40.0	A G SYSTEMS
-HEADINGTON PRODUCTION CO				RECEIVED:	03/30/84	JA: OK			
8427091	20046	3505300000		108-ER		JOHNSON #1		0.0	NORTHWEST CENTRAL
-HOLMAN PETROLEUM INC				RECEIVED:	03/30/84	JA: OK			
8427087	25061	3510121929		102-4		RENEE #1 10121929	BALD HILL	182.5	PHILLIPS PETROLEU
-J LEE YOUNGBLOOD TRUSTEE				RECEIVED:	03/30/84	JA: OK			
8427099	27093	3505300000		108		CHOICE #1	EUREKA FIELD	4.0	NORTHWEST CENTRAL
-MAY PETROLEUM INC				RECEIVED:	03/30/84	JA: OK			
8427102	26990	3500722578		103		BORN #1-23		182.5	
-QUINCY O STEVENS				RECEIVED:	03/30/84	JA: OK			
8427095	27210	3511721867		103		RYAN #7	MARAMEC	0.0	PHILLIPS PETROLEU
-SANDSTONE RESOURCES INC				RECEIVED:	03/30/84	JA: OK			
8427103	26870	3510321972		103		HUBBARD #1	TONKAWA	39.1	CITIES SERVICE OI
-TENNECO OIL COMPANY				RECEIVED:	03/30/84	JA: OK			
8427101	27044	3510920850		103		QUINTA #1-17	NORTH HIGBEE	35.0	
-THK OIL PRODUCERS				RECEIVED:	03/30/84	JA: OK			
8427098	27071	3514321387		103		BLACK 2		0.0	WEST-TUL GAS CO
-UNION OIL COMPANY OF CALIF				RECEIVED:	03/30/84	JA: OK			
8427086	25134	3500920331		102-2 103		ALVIN REAM #1-22	SW SWEETWATER	70.0	MICHIGAN WISCONSI
-UNION TEXAS PETROLEUM				RECEIVED:	03/30/84	JA: OK			
8427088	24625	3504700000		108		A ANDERSON #1	HODGE II	31.0	PANHANDLE EASTERN
-UTC ENERGY RESOURCES INC				RECEIVED:	03/30/84	JA: OK			
8427105	26549	3514500000		103		MCCOLLOUGH #1		60.0	PHILLIPS PETROLEU
-VERNON E FAULCONER INC				RECEIVED:	03/30/84	JA: OK			
8427090	23329	3505300000		108-ER		LOGUE WILSON UNIT #1 OTC #052-07386	H E CLYDE	6.0	NORTHWEST CENTRAL
-W C PAYNE				RECEIVED:	03/30/84	JA: OK			
8427100	27051	3507323832		103		NELSON #2-18	SOONER TREND	0.0	EXXON CO U S A
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-ATLAS RESOURCES INC				RECEIVED:	03/29/84	JA: PA			
8427018	22663	3708520279		107-TF		SIMMONS #1	SOUTH PYMATUNING	370.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CNG DEVELOPMENT CO				RECEIVED:	03/29/84	JA: PA			
8427019	22681	3702120237		103		WILLIAM BUTERBAUGH #4 CNGD #401	SUSQUEHANNA	10.0	
-EASTERN STATES EXPLORATION CO				RECEIVED:	03/29/84	JA: PA			
8427020	20405	3706522418		108		RAY LYONS ESTATE #1	RATHMEL	5.0	NATIONAL FUEL GAS
-FAIRMAN DRILLING CO				RECEIVED:	03/29/84	JA: PA			
8427021	19582	3702120178		102-3		N CAMBRIAL CIVIL DEFENSE #2 F-3718	PLATTSVILLE	30.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED:	03/29/84	JA: PA			
8427023	21055	3706323683		108		ARTHUS L WEISS #1	YOUNG	12.7	T W PHILLIPS GAS
8427022	22675	3703321637		103		ROSETTA HARRIS #2 (66A)	BRADY	0.0	CONSOLIDATED GAS
-LAKE ERIE #1				RECEIVED:	03/29/84	JA: PA			
8427024	22630	3704922271		107-TF		LAWRENCE PIEPER #1 82-25	CONNEAUT	0.0	COLUMBIA GAS TRAN
8427025	22631	3704922269		107-TF		NELSON JONES #1 82-24	CONNEAUT	0.0	COLUMBIA GAS TRAN
-MARK RESOURCES CORP				RECEIVED:	03/29/84	JA: PA			
8427026	22661	3712135562		102-3		R MOORHEAD #2	JACKSON	30.0	NATIONAL FUEL GAS
8427027	22662	3712135562		107-TF		R MOORHEAD #2	JACKSON	30.0	NATIONAL FUEL GAS
-MERIDIAN EXPLORATION CORP				RECEIVED:	03/29/84	JA: PA			
8427028	21979	3703922006		102-2		G BLAIR #677-1	ROCKDALE	223.0	COLUMBIA GAS TRAN
8427029	21980	3703922006		107-TF		G BLAIR #677-1	ROCKDALE	223.0	COLUMBIA GAS TRAN
-MITCHELL ENERGY CORPORATION				RECEIVED:	03/29/84	JA: PA			
8427030	21807	3703922027		103		J ZADOROZNY UNIT #1 CRA-22027	MOSIERTOWN (MEDINA/WH	41.1	COLUMBIA GAS TRAN
8427031	21806	3703922027		107-TF		J ZADOROZNY UNIT #1 CRA-22027	MOSIERTOWN (MEDINA/WH	41.1	COLUMBIA GAS TRAN
-NRM PETROLEUM CORPORATION				RECEIVED:	03/29/84	JA: PA			
8427032	22606	3704923280		102-2		BROWN O #2	NEW IRELAND	0.0	COLUMBIA GAS TRAN
8427033	22608	3704923292		102-2		LAUGHERY #1	NEW IRELAND	0.0	COLUMBIA GAS TRAN
8427037	22609	3704923292		107-TF		LAUGHERY #1	NEW IRELAND	0.0	COLUMBIA GAS TRAN
8427035	22620	3704923188		102-2		MITCHELL #1	ERIE	0.0	NATIONAL FUEL GAS
8427036	22621	3704923508		102-2		MITCHELL-KISTLE UNIT #1	WATERFORD	0.0	NATIONAL FUEL GAS
8427034	22610	3704923239		102-2		OCONNELL #1	LE BOEUF	0.0	COLUMBIA GAS TRAN
8427038	22611	3704923239		102-2		OCONNELL #1	LE BOEUF	0.0	COLUMBIA GAS TRAN
-PIONEER WESTERN ENERGY CORP				RECEIVED:	03/29/84	JA: PA			
8427039	22432	3712922279		103		HARRY C KELLY #1	WATERFORD	25.0	
-QUESTA JOINT VENTURE 83				RECEIVED:	03/29/84	JA: PA			
8427040	22431	3712922294		103		EASTERN ASSOCIATED COAL CO HOUSEL	SOUTH HUNTINGDON	25.0	
-QUESTA PETROLEUM CO				RECEIVED:	03/29/84	JA: PA			
8427041	22433	3712922296		103		RACHEL MOROCCO #1	HEMPHILL	25.0	
WEST VIRGINIA DEPARTMENT OF MINES									
-CABOT OIL & GAS CORP				RECEIVED:	03/30/84	JA: WV			
8427048		4710501086		103		CABOT-WESTVACO #1	CLAY	7.0	CABOT CORP
8427052		4710501086		107-DV		CABOT-WESTVACO #1	CLAY	7.0	CABOT CORP
-FOX DRILLING CO INC				RECEIVED:	03/30/84	JA: WV			
8427045		4700101796		103		M WILFONG #1 (47-001-1796)	COVE	10.0	TENNESSEE GAS TRA
8427053		4700101796		107-DV		M WILFONG #1 (47-001-1796)	COVE	10.0	TENNESSEE GAS TRA
8427044		4700101961		103		WRIGHT #1 (47-001-1961)	COVE	10.0	TENNESSEE GAS TRA
-HOFFMAN RICHARD				RECEIVED:	03/30/84	JA: WV			
8427051		4707301720		107-DV		BAILEY #13	FRENCH CREEK	120.0	CONSOLIDATED GAS
8427050		4707301716		107-DV		BAILEY #6	RIGHT FORK FRENCH CRE	36.0	CONSOLIDATED GAS
-INDUSTRIAL GAS CORPORATION				RECEIVED:	03/30/84	JA: WV			
8427085		4709901508		108-ER		WILSON COAL LAND CO 93-1214	LINCOLN	3.6	HOUDAILLE INDUSTR
-J & J ENTERPRISES INC				RECEIVED:	03/30/84	JA: WV			
8427043		4700101533		103		BOGART #3	PHILIPPI	0.0	CONSOLIDATED GAS
8427047		4708506256		103		J-417	CLAY	0.0	CONSOLIDATED GAS
8427049		4709702543		103		J-754	UNION	0.0	EASTERN AMERICAN
-SENECA-UPSHUR PETROLEUM CO				RECEIVED:	03/30/84	JA: WV			
8427063		4705901068		107-DV		C-65	HARVEY	35.0	COLUMBIA GAS TRAN
8427061		4705901062		107-DV		C-67	HARVEY	35.0	COLUMBIA GAS TRAN
8427062		4705901063		107-DV		C-68	HARVEY	35.0	COLUMBIA GAS TRAN
8427046		4705901073		103		C-87	HARDEE	35.0	COLUMBIA GAS TRAN
-STERLING DRILLING AND PROD CO INC				RECEIVED:	03/30/84	JA: WV			
8427042		4701502200		103		APPALACHIAN ROYALTIES #789	OTTER DISTRICT	5.6	
8427057		4701303626		107-DV		CAIN #813	LEE DISTRICT	12.3	
8427056		4701303625		107-DV		CHESNEY #810	LEE DISTRICT	7.0	
8427060		4710501070		107-DV		MONROE #792	BURNING SPRINGS DISTR	10.0	
8427054		4701303614		107-DV		OFFUTT #802	LEE DISTRICT	12.5	
8427058		4708703735		107-DV		SAMPSON #725	SPENCER DISTRICT	12.0	
8427059		4708703847		107-DV		STUMP #848	GEARY DISTRICT	8.0	
8427055		4701303624		107-DV		WALKER #809	LEE DISTRICT	29.5	
DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ROSWELL, NM									
-UNION OIL COMPANY OF CALIF				RECEIVED:	03/30/84	JA: NM L			
8427083	RNM 0334-83	3002528144		102-3	107-DP	RED HILLS UNIT #3	UNDESIGNATED RED HILL	400.0	EL PASO NATURAL G
DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, CASPER, WY									
-BANKS OPERATING CO				RECEIVED:	03/30/84	JA: WY Q			
8427081	W 246-3	4904522023		103		BANKS FEDERAL #5-22	LONE TREE CREEK	54.0	PHILLIPS PETROLEU
-CITIES SERVICE COMPANY				RECEIVED:	03/30/84	JA: WY Q			
8427064	W-69-3	4900922172		102-2		FEDERAL "BZ" #1	UNNAMED	70.0	WESTERN GAS PROCE
-DAVIS OIL COMPANY				RECEIVED:	03/30/84	JA: WY Q			
8427071	W 113-3	4900526810		102-2		AMOS DRAW FEDERAL #5	MUDDY	160.0	PHILLIPS PETROLEU
8427069	W110-3	4900526773		102-2		ANDY UNIT #1	WILDCAT	23.6	BIG HORN FRACTION
8427075	W141-3	4900526958		102-2		ANDY UNIT #6	WILDCAT	220.0	BIG HORN FRACTION
8427070	W112-3	4900526665		102-2		FELIX UNIT #9	WILDCAT	345.0	BIG HORN FRACTION
8427078	W143-3	4900922133		102-2		PELICAN FEDERAL #1-A	WILDCAT	10.0	PHILLIPS PETROLEU
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	03/30/84	JA: WY Q			
8427073	W-124-3	4900922195		102-2		CAMPBELL FEDERAL #12-5-L	SCOTT	0.0	MCCULLOCH GAS PRO
8427072	W123-3	4900922195		102-2		CAMPBELL FEDERAL #12-5-U	SCOTT	0.0	MCCULLOCH GAS PRO
-EMC ENERGIES INC				RECEIVED:	03/30/84	JA: WY Q			
8427076	W142-3	4904521161		103		DUNN FEDERAL #1	CLARETON-BLACK THUNDE	9.0	PHILLIPS PETROLEU
-HPC INC				RECEIVED:	03/30/84	JA: WY Q			
8427066	W94-3	4900922091		103		PTASYNSKI #1	MIKES DRAW	8.2	PHILLIPS PETROLEU
-MILESTONE PETROLEUM INC				RECEIVED:	03/30/84	JA: WY Q			
8427074	W-136-3	4900526870		103		FEDERAL #22X-9	HOUSE CREEK SUSSEX	0.0	PHILLIPS PETROLEU
-NORTH FINN				RECEIVED:	03/30/84	JA: WY Q			
8427079	W148-3	4904521990		102-2		FEDERAL 7-6	SHURLEY FIELD	24.0	MGPC INC
8427077	W 149-3	4904521436		102-2		SHURLEY FEDERAL 1-7	SHURLEY FIELD	6.5	MGPC INC
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	03/30/84	JA: WY Q			
8427080	W231-3	4900526868		103		RUDESILL FED A #4	SCHOOL CREEK	9.9	PANHANDLE EASTERN
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	03/30/84	JA: WY Q			
8427065	W70-3	4902720637		103		SCOTT FEDERAL -C- #1	KAYE	59.0	
-TENNECO OIL COMPANY				RECEIVED:	03/30/84	JA: WY Q			
8427067	W97-3	4900921896		102-2		FEDERAL 1-25	SCOTT	88.0	PHILLIPS PETROLEU
8427082	W150-3	4900922071		102-2		FEDERAL 1-26	SCOTT	35.0	PHILLIPS PETROLEU
8427068	W98-3	4900921897		102-2		FEDERAL 2-25	SCOTT	31.0	PHILLIPS PETROLEU
DEPT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE, LA									
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	03/30/84	JA: LA W			
8427084	G3-3987	1770040629		102-5		OCS-0757 WC BLK 118 WELL #9	WEST CAMERON	1825.0	NATURAL GAS PIPEL

[FR Doc. 84-11469 Filed 4-26-84; 8:45 am]

BILLING CODE 6717-01-C

[Vol. 1109]

NGPA Notices of Determination by Jurisdictional Agencies

Issued: April 23, 1984.

Note.—By final rule issued by the Commission on February 22, 1984 (Order No. 362, Docket RM83-50-000, 49 FR 7109-13, February 27, 1984), notices of determination issued by the Commission after May 27, 1984, *will not be published in the* Federal Register. Applicants listed on FERC Form 121 will be notified by mail of Commission receipt of determinations. All other parites should contact: TS Inforsystems, Inc., Attn: Mr. Milton Chichester, 825 North Capitol Street, Room 1000, Washington, DC 20426, to inquire about subscribing to these notices. Copies of Order No. 362 are available from the same source.

The following notices of determination were received from the indicated jurisdictional agencies by the FERC pursuant to the NGPA and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production is in million cubic feet (MMcf).

The applications for determination are available for inspection, except for material which is confidential under 18 CFR 275.206, at the FERC, 825 North Capitol St., Room 1000, Washington, D.C. Persons objecting to any of these determinations may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date the notice is issued by the Commission.

Source data from the FERC Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Road, Springfield, Virginia 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
- 102-2: New well (2.5 mile rule)
- 102-3: New well (1000 ft rule)
- 102-4: New onshore reservoir
- 102-5: New res. on old OCS lease

Section 103: New onshore production well

Section 107-DP: 15,000 ft or deeper
- 107-GB: Geopressured brine
- 107-DV: Devonian shale
- 107-CS: Coal seam gas
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Temporary pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS — VOLUME 1109

ISSUED APRIL 23, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-ANADARKO PRODUCTION COMPANY				RECEIVED:	04/02/84	JA: KS			
8427111	K-83-0599	1517520676		102-4		TUCKER K #1	LIBERAL WEST	267.0	CIMARRON-QUINQUE
-FRONTIER OIL CO				RECEIVED:	04/02/84	JA: KS			
8427113	K-84-0004	1516521036		102-4		HERRMAN "A" #1	(WILDCAT)	91.3	K N ENERGY INC
8427112	K-84-0003	1516521019		102-4		LEGLEITER "A" #1	(WILDCAT)	45.6	K N ENERGY INC
-REACH OIL CORP				RECEIVED:	04/02/84	JA: KS			
8427116	K-84-0076	1515121259		102-4		CHANCE #1	FRISBIE NE EXT	40.0	CENTRAL STATES GA
-TGT PETROLEUM CORPORATION				RECEIVED:	04/02/84	JA: KS			
8427119	K-80-0623	1509720613		102-4		NAN #1	EINSEL	12.0	PANHANDLE EASTERN
8427118	K-79-1639	1509720341		102-4		PYLE-TAYLOR FARMS #1	EINSEL	12.0	PANHANDLE EASTERN
-TXO PRODUCTION CORP				RECEIVED:	04/02/84	JA: KS			
8427114	K-84-0016	1500721657		102-4		GANT "C" #2	BROOKS YOUNGER	70.0	DELHI CORP
8427115	K-84-0057	1509720959		102-4		YOST FARMS #1	NICHOLS	20.0	DELHI CORP
-VIKING INTERNATIONAL PETROLEUM CORP				RECEIVED:	04/02/84	JA: KS			
8427117	K-84-0079	1501720373		102-4		STAUFFER 5-35	ELMDALE GAS FIELD	37.0	NORTHWEST CENTRAL
-VOTH OIL CO				RECEIVED:	04/02/84	JA: KS			
8427110	K-84-0059	1509521271		108		BLANK #1	HEDRICK WEST	19.0	KANSAS GAS SUPPLY
LOUISIANA OFFICE OF CONSERVATION									
-JEEMS BAYOU PRODUCTION CORP				RECEIVED:	04/02/84	JA: LA			
8427175	83-1682	1703121986		102-2		BISHOP #1 LAF RA SUG	RED RIVER-BULL BAYOU	127.0	TEXAS EASTERN TRA
8427174	83-1683	1703122077		102-2		KEOUN ETAL #1 LAF RA SUB	RED RIVER-BULL BAYOU	41.0	TEXAS EASTERN TRA
8427176	83-1680	1703121988		102-2		MARSHALL A CALHOUN #3 LAF RA SUS	RED RIVER-BULL BAYOU	0.0	TEXAS EASTERN TRA
-MICH-LA OIL & GAS INC				RECEIVED:	04/02/84	JA: LA			
8427177	83-1681	1703122202		102-2		R P BUFKIN #1	GROGAN	538.0	TENNESSEE GAS PIP
-TERRA RESOURCES INC				RECEIVED:	04/02/84	JA: LA			
8427181	83-0032	1700720317		102-4		PAUL KESSLER #1	NAPOLEONVILLE	0.0	SOUTHERN NATURAL
-TEXACO INC				RECEIVED:	04/02/84	JA: LA			
8427180	83-0579	1701724512		102-4		H D VICTORY #1	CADDO PINE ISLAND	520.0	
-TEXAS GENERAL PETROLEUM CORP				RECEIVED:	04/02/84	JA: LA			
8427178	83-0719	1701521488		102-4		T TAYLOR #1 CV RA SU115 S/N 170076	ELM GROVE	183.0	TEXAS EASTERN TRA
-WHITE CRISWELL				RECEIVED:	04/02/84	JA: LA			
8427179	83-0891	1711123896		103 108		STOVALL #1	MONROE GAS	20.0	MID LOUISIANA GAS
MONTANA BOARD OF OIL & GAS CONSERVATION									
-PHOENIX RESOURCES COMPANY				RECEIVED:	04/02/84	JA: MT			
8427254	3-84-66	2508321298		102-4		MCGINNIS #2R-34	MIDDLE SIOUX PASS	53.0	TRUE OIL CO
-SOUTHLAND ROYALTY CO				RECEIVED:	04/02/84	JA: MT			
8427253	6-83-89	2510521197		108		FISHER 0925 #1	SWANSON CREEK	6.5	MONTANA DAKOTA UT
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-ALDEN AURORA GAS CO INC				RECEIVED:	04/02/84	JA: NY			
8427221	7182	3103717323		107-TF		DARIEN LAKES STATE PARK #10	ALDEN-DARIEN	10.0	PETROLEUM SECURIT

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8427222	7181	3103717324		107-TF		DARIEN LAKES STATE PARK #11	ALDEN-DARIEN	10.0	PETROLEUM SECURIT
8427223	7180	3103717342		107-TF		DARIEN LAKES STATE PARK #13	ALDEN-DARIEN	10.0	PETROLEUM SECURIT
8427224	7179	3103717346		107-TF		DARIEN LAKES STATE PARK #14	ALDEN-DARIEN	10.0	PETROLEUM SECURIT
8427225	7178	3103717325		107-TF		DARIEN LAKES STATE PARK #15	ALDEN-DARIEN	10.0	PETROLEUM SECURIT
8427226	7177	3103717326		107-TF		DARIEN LAKES STATE PARK #16	ALDEN-DARIEN	10.0	PETROLEUM SECURIT
8427228	7176	3103717327		107-TF		DARIEN LAKES STATE PARK #17	ALDEN-DARIEN	10.0	PETROLEUM SECURIT
8427231	7173	3103717328		107-TF		DARIEN LAKES STATE PARK #18	ALDEN-DARIEN	10.0	PETROLEUM SECURIT
8427229	7175	3103717329		107-TF		DARIEN LAKES STATE PARK #19	ALDEN-DARIEN	10.0	PETROLEUM SECURIT
8427216	7171	3103716155		107-TF		DARIEN LAKES STATE PARK #2	ALDEN-DARIEN	10.0	PETROLEUM SECURIT
8427230	7174	3103717330		107-TF		DARIEN LAKES STATE PARK #20	ALDEN-DARIEN	10.0	PETROLEUM SECURIT
8427227	7170	3103716156		107-TF		DARIEN LAKES STATE PARK #3	ALDEN-DARIEN	10.0	PETROLEUM SECURIT
8427232	7172	3103717343		107-TF		DARIEN LAKES STATE PARK #4	ALDEN-DARIEN	10.0	PETROLEUM SECURIT
8427206	7169	3103717345		107-TF		DARIEN LAKES STATE PARK #5	ALDEN-DARIEN	10.0	PETROLEUM SECURIT
8427218	7185	3103717344		107-TF		DARIEN LAKES STATE PARK #6	ALDEN-DARIEN	10.0	PETROLEUM SECURIT
8427217	7186	3103717320		107-TF		DARIEN LAKES STATE PARK #7	ALDEN-DARIEN	10.0	PETROLEUM SECURIT
8427219	7184	3103717321		107-TF		DARIEN LAKES STATE PARK #8	ALDEN-DARIEN	10.0	PETROLEUM SECURIT
8427220	7183	3103717322		107-TF		DARIEN LAKES STATE PARK #9	ALDEN-DARIEN	10.0	PETROLEUM SECURIT
-BANKS GAS DRILLING CO				RECEIVED:	04/02/84	JA: NY			
8427193	7211	3102918690		103	107-TF	DIPPERT #1	LAKESHORE	12.0	NATIONAL FUEL GAS
8427192	7213	3102918733		103	107-TF	FLEMING #1	LAKE SHORE	0.0	NATIONAL FUEL GAS
8427194	7209	3102918734		103	107-TF	PASNIK #1	LAKESHORE	0.0	NATIONAL FUEL GAS
-BATH ELECTRIC GAS & WATER SYSTEMS				RECEIVED:	04/02/84	JA: NY			
8427190	5499	3110115492		108		FEE #1	BATH	4.5	CONSOLIDATED GAS
8427191	5500	3110116103		108		FEE #3	BATH	4.5	CONSOLIDATED GAS
-BEREA OIL AND GAS CORPORATION				RECEIVED:	04/02/84	JA: NY			
8427198	5713	3101318449		102-2		JORDON UNIT #1	WILDCAT	12.0	COLUMBIA GAS TRAN
-CONSOLIDATED EXPLORATION & GATHERIN				RECEIVED:	04/02/84	JA: NY			
8427210	7215	3102918494		103	107-TF	WEIDNER FARMS INC #1	EDEN-EVANS	12.0	SCG GAS QUEST INC
-DORAN & ASSOCIATES INC				RECEIVED:	04/02/84	JA: NY			
8427199	5551	3100917263		102-2	107-TF	E RADER #1 KX-20	CONEWANGO	30.0	COLUMBIA GAS TRAN
-ENVIROGAS INC				RECEIVED:	04/02/84	JA: NY			
8427236	7091	3101318423		107-TF		A HALLIN #1	ELLINGTON - MEDINA	18.0	COLUMBIA GAS TRAN
8427201	7095	3101318196		107-TF		D MARSHALL #1	ELLINGTON-MEDINA	18.0	COLUMBIA GAS TRAN
8427207	7098	3101318424		107-TF		D WALKER #1	ELLINGTON-MEDINA	18.0	COLUMBIA GAS TRAN
8427235	7092	3101318197		107-TF		F HILL #1	ELLINGTON - MEDINA	18.0	COLUMBIA GAS TRAN
8427234	7093	3101318198		107-TF		F HILL #2	ELLINGTON - MEDINA	18.0	COLUMBIA GAS TRAN
8427244	7097	3101318360		107-TF		G OLSON #2	ELLERY - MEDINA	18.0	COLUMBIA GAS TRAN
8427238	7089	3101318301		107-TF		L BEIGHTOL #3	ELLINGTON - MEDINA	18.0	COLUMBIA GAS TRAN
8427237	7090	3101318302		107-TF		L BEIGHTOL #4	ELLINGTON - MEDINA	18.0	COLUMBIA GAS TRAN
8427233	7094	3101318331		107-TF		M LUCARIELLO #1	ELLERY - MEDINA	18.0	COLUMBIA GAS TRAN
8427195	5581	3101318317		107-TF		M LUCARIELLO #3	ELLERY-MEDINA	18.0	
8427200	7096	3101318289		107-TF		MISSION MEADOWS #1	ELLERY-MEDINA	18.0	COLUMBIA GAS TRAN
-GYPSUM ENERGY MANAGEMENT CO				RECEIVED:	04/02/84	JA: NY			
8427213	7264	3103717469		103	107-TF	HOULIHAN #1	HURON CREEK	1.2	U S GYPSUM CO
8427215	7266	3103717458		103	107-TF	PILATO-ZICARI #1	HURON CREEK	6.8	U S GYPSUM CO
8427211	7268	3103717457		103	107-TF	PILATO-ZICARI #2	HURON CREEK	2.7	U S GYPSUM CO
8427214	7262	3103717462		103	107-TF	READ #2	HURON CREEK	2.8	U S GYPSUM CO
-MIDWEST EXPLORATION INC				RECEIVED:	04/02/84	JA: NY			
8427208	7270	3102918787		103		TRIODL #1	BRANT	25.1	SCG GAS QUEST INC
-PHELPS DODGE FUEL DEVELOPMENT CORP				RECEIVED:	04/02/84	JA: NY			
8427209	7283	3102918867		107-TF		OCONNOR #1	18 MILE CREEK	18.0	NATIONAL FUEL GAS
-TRAHAN PETROLEUM INC				RECEIVED:	04/02/84	JA: NY			
8427241	7227	3101312542		107-TF		LENART NY 12 #31-013-12542	HARMONY	36.0	COLUMBIA GAS TRAN
8427239	7231	3101318735		107-TF		LENCZYK #1 #31-013-18735	ELLINGTON	36.0	COLUMBIA GAS TRAN
8427242	7229	3101318736		107-TF		MILSPAW #1 #31-013-18736	ELLINGTON	36.0	COLUMBIA GAS TRAN
8427197	5607	3101318413		102-2		PRICE #1 #31-013-18413	ELLINGTON	36.0	COLUMBIA GAS TRAN
8427240	7233	3101318649		107-TF		TARR #2 #31-013-18649	ELLINGTON	36.0	COLUMBIA GAS TRAN
8427196	5609	3101318461		102-2		WOYTON #1 #31-013-18461	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
-UNIVERSAL RESOURCES HOLDINGS INC				RECEIVED:	04/02/84	JA: NY			
8427202	7260	3101318765		103	107-TF	E BARMORE UNIT #3	GERRY	20.0	COLUMBIA GAS TRAN
8427204	7274	3101318900		103	107-TF	J MCADAM #1	CHARLOTTE	20.0	COLUMBIA GAS TRAN
8427203	7278	3101318234		103	107-TF	PENHOLLOW UNIT #6	CHARLOTTE	20.0	COLUMBIA GAS TRAN
8427205	7259	3101318551		103		SAXTON UNIT #6	CHARLOTTE	20.0	COLUMBIA GAS TRAN
8427243	5748	3101318551		107-TF		SAXTON UNIT #6	CHARLOTTE	20.0	COLUMBIA GAS TRAN
8427212	7280	3101318228		103	107-TF	ULRICH UNIT #5	CHARLOTTE	20.0	COLUMBIA GAS TRAN
-VISCO-MCDONALD				RECEIVED:	04/02/84	JA: NY			
8427189	4913	3100918001		102-2		VISCO #1	PERSIA	25.0	COLUMBIA GAS TRAN

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OKLAHOMA CORPORATION COMMISSION

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-AMES OIL AND GAS CORP				RECEIVED:	04/02/84	JA: OK			
8427260	25404	3511721898		102-2		AMES-NANCY #14-7	PAWNEE "A"	1.5	COLORADO GAS COMP
8427261	25405	3511721666		102-2		OLIN ROGERS #13-2	PAWNEE "A"	6.0	COLORADO GAS COMP
-ANDERMAN/SMITH OPERATING CO				RECEIVED:	04/02/84	JA: OK			
8427265	25245	3512920995		102-2	103	HAZEL #1	H E ROLL	365.0	
-B & G OIL & GAS COMPANY				RECEIVED:	04/02/84	JA: OK			
8427256	24514	3510524681		108		MASON LEASE WELL #5	CURL CREEK	3.0	ENICO PIPELINE CO
-C & S EXPLORATION INC				RECEIVED:	04/02/84	JA: OK			
8427297	27315	3506120629		103		LOUDERMILK #1-28	EAST KEOTA	90.0	ARKANSAS LOUISIAN
-CABOT PETROLEUM CORP				RECEIVED:	04/02/84	JA: OK			
8427283	27330	3500736211		108		A M SARGENT #1	MOCANE MORROW	18.0	PANHANDLE EASTERN
-CORE PETROLEUM LTD				RECEIVED:	04/02/84	JA: OK			
8427268	25165	3514920306		102-2		GAMBRELL #1-23		0.0	
-D & J OIL CO OF OKLAHOMA INC				RECEIVED:	04/02/84	JA: OK			
8427274	27328	3505321331		103		TED 1-8	SE POND CREEK	25.6	UNION TEXAS PETRO
-EARLSBORO ENERGIES CORP				RECEIVED:	04/02/84	JA: OK			
8427280	27374	3509322799		103		ERC #1-6	RINGWOOD	86.0	UNION TEXAS PETRO
-EL DORADO DRILLING INC				RECEIVED:	04/02/84	JA: OK			
8427279	27354	3511922199		103		CIRCLE "T" RANCH #2		227.3	SUN GAS CO
-ENERGY RESERVES GROUP INC				RECEIVED:	04/02/84	JA: OK			
8427267	25191	3509120218		102-2		HAMPTON #1-36	STIDHAM	29.5	PHILLIPS PETROLEU
-GOLDENSTERN MELVIN				RECEIVED:	04/02/84	JA: OK			
8427278	27349	3507100000		108		STATE OF OKLA "E" 1	NORTHWEST GARRETT	1.6	CITIES SERVICE OI
-HARPER OIL COMPANY				RECEIVED:	04/02/84	JA: OK			
8427273	27376	3504321795		103		WAYNE HEWITT #1	WEST FONDA	20.0	PHILLIPS PETROLEU
-INDIAN OIL CO				RECEIVED:	04/02/84	JA: OK			
8427263	27375	3513921735		103		BRYANT #1-29		0.0	PHILLIPS PETROLEU
-JAY PETROLEUM INC				RECEIVED:	04/02/84	JA: OK			
8427289	27182	3510920822		103		BUZZARD #1		182.5	SUN EXPLORATION &
-JONES & PELLOW OIL CO				RECEIVED:	04/02/84	JA: OK			
8427290	27308	3507300000		108		BENDA #1	S E PLEASANT RIDGE	6.9	CONOCO INC
-NOVA ENERGY CORPORATION				RECEIVED:	04/02/84	JA: OK			
8427294	25163	3505100000		102-2		FITZGERALD #1-11		0.0	TRANSOX PIPELINE
8427262	25418	3503920861		102-2		HUNT #1-22		0.0	

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-OKLAND OIL CO				RECEIVED:	04/02/84	JA: OK			
8427259	25279	3501722572		102-2		MILLIE #1-33	NORTH YUKON	0.0	CONOCO INC
-OLD DOMINION OIL CORP				RECEIVED:	04/02/84	JA: OK			
8427257	24707	3509322595		102-4	103	PARKS #1-4	NE CEDARDALE	240.0	PHILLIPS PETROLEU
-ONEOK EXPLORATION CO				RECEIVED:	04/02/84	JA: OK			
8427272	23529	3503920509		102-4		OAKS #1-4	NE CARPENTER	360.0	PRODUCERS GAS CO
-PETROLEUM RESOURCES CO				RECEIVED:	04/02/84	JA: OK			
8427281	27320	3512500000		103		STATE #1-36	SHAWNEE LAKE	18.3	BETHEL GAS PROCES
8427292	27319	3512500000		103		STATE #2-36	SHAWNEE LAKE	15.3	BETHEL GAS PROCES
8427286		3512500000		103		STATE #4-36	SHAWNEE LAKE	7.3	BETHEL GAS PROCES
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	04/02/84	JA: OK			
8427296	26051	3504722947		108		SCHNEIDER B #2		13.0	TRANSOK PIPELINE
-RED EAGLE OIL CO				RECEIVED:	04/02/84	JA: OK			
8427291	27312	3509322739		103		ROGER #1	N W OKEENE	72.0	PIONEER GAS PRODU
-RED STONE ENERGIES LTD				RECEIVED:	04/02/84	JA: OK			
8427258	25164	3501722551		102-4		REESE #18-10		0.0	PHILLIPS PETROLEU
-REX R MOORE JR				RECEIVED:	04/02/84	JA: OK			
8427271	25089	3508122062		102-4		HUFFINE #1	W WELLSTON	610.0	SUN EXPLORATION &
-SANGUINE LTD				RECEIVED:	04/02/84	JA: OK			
8427269	25102	3501521534		102-4	103	COMPTON #1		156.6	PIONEER GAS PRODU
8427270	25101	3501521557		102-4	103	GABEHART #1		115.0	PIONEER GAS PRODU
-SANTA FE MINERALS INC				RECEIVED:	04/02/84	JA: OK			
8427276	27371	3501121920		103		NIPPERT #17-2		110.0	OKLAHOMA GAS PIPE
-SANTA FE-ANDOVER OIL CO				RECEIVED:	04/02/84	JA: OK			
8427266	25241	3501721177		102-2		CLOUSE #5-1		100.0	DELHI GAS PIPELIN
8427275	27372	3507323825		103		OTTIS #20-3		100.0	WARREN PETROLEUM
-SKI ENERGY				RECEIVED:	04/02/84	JA: OK			
8427287	27098	3514322789		103		DUNN #1		0.0	PHILLIPS PETROLEU
-SOUTHWESTERN ENERGY PRODUCTION CO				RECEIVED:	04/02/84	JA: OK			
8427288	27120	3508920827		103		STERLING #2		10.0	SUN GAS CO
-TENNECO OIL COMPANY				RECEIVED:	04/02/84	JA: OK			
8427285	27326	3510322133		103		SOUTH LONE ELM CLEVELAND SAND #123	SOUTH LONE ELM	0.3	AMINOIL U S A INC
8427282	27325	3510322014		103		SOUTH LONE ELM CLEVELAND SAND #68	SOUTH LONE ELM	0.3	AMINOIL U S A INC
-TXO PRODUCTION CORP				RECEIVED:	04/02/84	JA: OK			
8427293	25138	3503920873		102-2		FEDERAL #29-1	SW BUTLER	0.0	DELHI GAS PIPELIN
8427295	25288	3512921012		102-2		MERRICK "D" #1	W STRONG CITY	0.0	DELHI GAS PIPELIN
-UNION OIL COMPANY OF CALIF				RECEIVED:	04/02/84	JA: OK			
8427284	27347	3501900000		108		H A PRUITT "B" #1	CADDO	17.0	UNION OIL CO OF C
8427277	27348	3501900000		108		H A PRUITT "B" #2	CADDO	14.0	UNION OIL CO OF C
-UNIT DRILLING & EXPLORATION CO				RECEIVED:	04/02/84	JA: OK			
8427255	25446	3512920701		102-2		BAKER #1-9	BERLIN	120.0	ARKANSAS LOUISIAN
-WAPANUCKA OIL & GAS				RECEIVED:	04/02/84	JA: OK			
8427264	14768	3508100000		103		DODD #1	WEST CARNEY	182.5	SUN GAS CO
UTAH DIVISION OF OIL,GAS, & MINING									
-BELCO DEVELOPMENT CORP				RECEIVED:	04/02/84	JA: UT			
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-BOW VALLEY PETROLEUM INC				RECEIVED:	04/02/84	JA: UT			
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8427246	K-116-4	4301330738		103		F LAWSON 1-21A1	WILDCAT - WASATCH	33.0	DARENCO INC
-CELSIUS ENERGY CO				RECEIVED:	04/02/84	JA: UT			
8427249		4303730793		102-2		BUG WELL #17	BUG	62.0	MOUNTAIN FUEL RES
-DEL-RIO RESOURCES				RECEIVED:	04/02/84	JA: UT			
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-DIAMOND SHAMROCK EXPLORATION CO				RECEIVED:	04/02/84	JA: UT			
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-LOMAX EXPLORATION COMPANY				RECEIVED:	04/02/84	JA: UT			
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8427247	K-152-6	4301330746		102-2		MONUMENT STATE #12-36	MONUMENT BUTTE	30.0	MOUNTAIN FUEL SUP
WEST VIRGINIA DEPARTMENT OF MINES									
-ROCKWELL PETROLEUM CO				RECEIVED:	04/02/84	JA: WV			
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-TEN-A COAL CO				RECEIVED:	04/02/84	JA: WV			
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8427187		4707301610		103		CORNELL #3	JEFFERSON	18.0	
8427185		4708506535		103		HERB PEEK #1	GRANT	17.0	
8427186		4707301710		103		MARQUIS #1	JEFFERSON	20.0	
8427184		4708506562		103		S RINEHART #1	GRANT	12.0	
8427183		4708506584		103		S RINEHART #5	GRANT	15.0	
** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ROSWELL, NM									
-YATES PETROLEUM CORPORATION				RECEIVED:	04/02/84	JA: NM L			
8427126	RNM 0142-83	3001523814		103		FEDERAL "BQ" #5	EAGLE CREEK SAN ANDRE	0.0	TRANSWESTERN PIPE
8427132	RNM 0133-83	3001523791		103		FEDERAL "BQ" #6	EAGLE CREEK SAN ANDRE	0.0	TRANSWESTERN PIPE
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8427153	RNM 0131-83	3001523603		103		FEDERAL "BW" #10	EAGLE CREEK SAN ANDRE	0.0	TRANSWESTERN PIPE
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8427134	RNM 0135-83	3001524440		103		FEDERAL "LDY" #8	EAGLE CREEK SAN ANDRE	0.0	TRANSWESTERN PIPE
8427129	RNM 0225-83	3001524556		103		FEDERAL "LDY" #9	EAGLE CREEK SAN ANDRE	0.0	TRANSWESTERN PIPE
8427136	RNM 0137-83	3001524229		103		FEDERALES "BO" #11	EAGLE CREEK SAN ANDRE	0.0	TRANSWESTERN PIPE
8427144	RNM 0147-83	3001524289		103		FEDERALES "BO" #12	EAGLE CREEK SAN ANDRE	0.0	TRANSWESTERN PIPE
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8427154	RNM 0328-83	3000520868		103		UNION "SI" FED #5	TOMAHAWK SAN ANDRES	0.0	CITIES SERVICE OI
8427155	RNM 0295-83	3000520871		103		UNION "SI" FED #8	TOMAHAWK SAN ANDRES	0.0	CITIES SERVICE OI
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federal register

Friday
April 27, 1984

Part VII

Office of Management and Budget

Circular A-122: Cost Principles for Nonprofit Organizations; "Lobbying" Revision

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Part 31
Federal Acquisition Regulation; Final Rule

OFFICE OF MANAGEMENT AND BUDGET

Circular A-122; Cost Principles for Nonprofit Organizations—"Lobbying" Revision

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Publication of Revision to the Circular.

SUMMARY: This notice sets forth the final version of the Office of Management and Budget's (OMB) "Lobbying" revision to Circular A-122, "Cost Principles for Nonprofit Organizations." The revison makes unallowable for Federal reimbursement the costs associated with most kinds of lobbying and political activities, but does not restrict lobbying or political activities paid for with non-Federal funds.

A parallel revision is being made to the Federal Acquisition Regulation (FAR) to cover all defense and civilian contractors. The FAR revision appears on the pages immediately following the Circular A-122 revision.

EFFECTIVE DATE: This revision will become effective May 29, 1984. The revision will affect only grants, contracts, and other agreements entered into after the effective date. Existing grants, contracts, and other agreements will not be affected. Agency contracts and regulations will incorporate these provisions to the same extent and in the same manner as they do other provisions of Circular A-122.

FOR FURTHER INFORMATION CONTACT: John J. Lordan, Financial Management Branch, Office of Management and Budget, Washington, D.C. 20503. (202) 395-6823.

SUPPLEMENTARY INFORMATION: The attached text sets forth the final language for the revision to Circular A-122 that was proposed on November 3, 1983. 48 FR 50860-50874. Significant modifications have been made to the proposed language after a thorough review of the approximately 93,600 public comments received and extensive discussions with the General Accounting Office and cognizant Congressional committees.

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I. Background of Circular A-122

Circular A-122, "Cost Principles for Nonprofit Organizations," establishes uniform rules for determining the costs of grants, contracts, and other agreements. Like other OMB cost principle circulars for state and local governments and educational institutions, Circular A-122 is a management directive addressed to the heads of Federal departments and agencies and constitutes the legal basis by which they define allowable and unallowable costs and how such costs are calculated.

Circular A-122 was first issued in June 1980. It was developed by an interagency team chosen from the major grant-making agencies and led by OMB. Before issuance, public comments were sought and received, and consultations were held with the General Accounting Office. The cost principles built upon accounting rules previously in use by Federal agencies in their dealings with nonprofit organizations. The Circular standardized and simplified those rules. In general, the Circular provides that, to be recovered from the Federal government, costs incurred by grantees and contractors must be necessary, reasonable, and related to the federally-sponsored activity. In addition, costs must be legal, proper, and consistent with the policies that govern the organization's other expenditures.

The disallowance of lobbying costs in this revision is comparable to the disallowance by Circular A-122 of other costs which are not reimbursed on grounds of public policy, such as advertising, fundraising expenses and entertainment. In each of these instances, a determination has been made that it would not be appropriate or cost-efficient to permit Federal tax dollars to be used for these purposes. In any event, it should be noted that lobbying costs are currently unallowable; as indicated throughout, this revision is intended to clarify and make more uniform the meaning and application of that bar.

II. History of the Revision

On January 24, 1983, OMB published a proposal to revise Circular A-122's treatment of the costs of lobbying activities by defining as unallowable the costs of advocacy activities performed by Federal nonprofit grantees and contractors with appropriated funds. 48 FR 3348-3351. Following publication, OMB received approximately 48,300 comments from the public, from nonprofit and commercial organizations and from government agencies. Approximately 16,500 comments opposed the proposed revision, and approximately 31,800 supported it. Many of the comments opposing the revision expressed support for the general principle that Federal tax dollars should not be used for lobbying and related purposes, but objected that the proposals contained in the January 1983 notice would disrupt the legitimate activities of Federal nonprofit grantees and contractors. On the other hand, many of the supporting comments suggested a need for controls significantly more restrictive than those proposed.

In order to permit further study of the issues raised by these comments, OMB withdrew the January 1983 proposal at the end of the 45-day public comment period. In the intervening months, OMB conducted numerous discussions with nonprofit organizations, business groups, trade associations, the General Accounting Office, and interested Committees of the Congress and their staffs. After further consideration of the comments and discussions, OMB published a second proposal on November 3, 1983, to revise the Circular's cost standards. The November proposal represented a fundamental revision of the original January proposal as a result of the

lengthy dialogue between OMB and affected groups.

The most important changes from the January proposal were:

• Adoption of an allocation method of accounting for the costs of lobbying and related activities;

• A more limited definition of unallowable costs; and

• Clarifications and limits on reporting and recordkeeping requirements in the spirit of the Paperwork Reduction Act.

The November 1983 proposal initially provided for a 45-day public comment period. 48 FR 50860–50874. As a result of the interest shown by the public and Congress and the large volume of comments received by OMB, the comment period was extended for thirty days until January 18, 1984. 48 FR 56463–56464.

By the end of the public comment period, OMB had received some 93,600 separate comments. Of these, some 87,500 (93.5%) favored the proposed revision without further changes; some 4,175 (4.5%) opposed the revision or sought further modifications; and some 1,925 (2.0%) did not clearly express either support or criticism. These totals include only individually mailed comments; bulk packages of letters, including form letters and petitions, were counted as single comments.

In finalizing the revision, OMB has carefully reviewed each of the comments received. The November proposal has been further amended in several significant respects, and the final version addresses many of the concerns raised by the critical comments. OMB also has conducted extensive discussions with interested members of Congress and their staffs, particularly members of the House Government Operations Committee and the Senate Subcommittee on Intergovernmental Relations. Prior to publication of the November proposal, OMB had met extensively with Committee staff to review their concerns, and several major modifications were made to the proposal to accommodate their suggestions. OMB has continued to meet with the Committee staffs during the public comment period and, following development of the final language of the revision, OMB has reviewed this language with the Committees on several occasions. In addition, OMB has met with the General Accounting Office at various stages of the process and is authorized to state that the Comptroller General believes that OMB has the clear legal authority to issue the Circular amendment published today, and that he supports it.

III. Summary of the Revision

The revision amends Circular A–122 to define certain lobbying activities by nonprofit Federal grantees and contractors as unallowable costs which cannot be paid for with Federal funds. The most significant provisions make costs of the following activities unallowable:

• Federal, state or local electioneering and support of such entities as campaign organizations and political action committees;

• Most direct lobbying of Congress and, with the exceptions noted below, state legislatures, to influence legistation;

• Lobbying of the Executive Branch in connection with decisions to sign or veto enrolled legislation;

• Efforts to utilizie state or local officials to lobby Congress or state legislatures;

• Grassroots lobbying concerning either Federal or state legislation; and

• Legislative liaison activities in support of unallowable lobbying activities.

The revision is considerably less encompassing than the earlier proposals and the current regulations of other agencies governing for-profit contractors, in that it does not cover:

• Lobbying at the local level (unallowable under both the Federal Acquisition Regulation (FAR) and the Defense Acquisition Regulation (DAR) supplement to the FAR);

• Lobbying to influence state legislation, in order to directly reduce the cost of performing the grant or contract, or to avoid impairing the organization's authority to do so (covered under the current FAR, DAR supplement, and the January 1983 proposal);

• Lobbying in the form of a technical and factual presentation to Congress or state legislatures, at their request (unallowable under the current DAR supplement to the FAR);

• Contacts with Executive Branch officials other than lobbying for the veto or signing of enrolled bills (covered under the January 1983 proposal); and

• Lobbying on regulatory actions (covered under the January 1983 proposal).

In particular, the revision will make unallowable only the portion of costs attributable to lobbying (the "allocation" approach)—not, as in the January 1983 proposal, entire cost items used in part for political advocacy (the so-called "tainting" approach).

The revision will provide relief from paperwork and audit burdens for nonprofit organizations (and, under a simultaneous change being made in the FAR, for government contractors). For example, indirect cost employees (such as executive directors) will not be required to maintain time logs or calendars (for the portion of their time treated as an indirect cost) if they certify in good faith that they spend less than 25% of their work time in defined lobbying activities. Moreover, the clear standards provided by the revision will prove of substantial benefit to nonprofit grantees in audit situations by reducing the resources necessary to resolve whether Federal funds were spent on unallowable activities.

The penalties for violating the revision will be the same as for any other cost principle in OMB Circular A–122. The standard remedy is recovery of the misspent money. In cases of serious abuse, however, the grant or contract may be suspended or terminated, or the recipient may be debarred from receiving further Federal grants or contracts for a certain period.

IV. Significant Changes From the November Proposal

After review of the comments submitted during the comment period, OMB has made further significant changes to the revision. Among the most noteworthy amendments are the following:

1. *The definitional term "lobbying and related activities" has been changed to "lobbying."*

Numerous commenters expressed concern that the term "related activities" could be used in the future to expand the scope of unallowable acivities beyond what is explicitly defined as unallowable. This was not OMB's intent, which was merely to use the most appropriate term for describing the unallowable activities, which include electioneering and activities supporting unallowable lobbying, as well as what is normally thought of as "lobbying."

The original term for the activities defined as unallowable (in the January 1983 proposal) was "political advocacy." That term was changed to "lobbying and related activities" in the November proposal and has now been revised to "lobbying." Deletion of the term "related activities" does not affect the continuing disallowance of "costs associated with" unallowable lobbying—including those activities undertaken to facilitate that lobbying.

2. *The restrictions on direct legislative lobbying and grassroots lobbying have been clarified to cover attempts to influence "the introduction of legislation" and "the enactment or*

*modification of * * * pending legislation."* Sections a(3) and a(4).

This change makes more precise the scope of the activities disallowed, and conforms to the IRS definition of lobbying.

3. *The "legislative liaison" provision has been made less restrictive, and clarified.* Section a(5).

In the November proposal, all legislative liaison was deemed to be unallowable unless it did not relate to otherwise unallowable activities. Commenters complained that this section was both too confusing, because it employed a double negative, and too restrictive. Section a(5) has been revised to clarify that legislative liaison is unallowable only "when such activities are carried on in support of or in knowing preparation for an effort to engage in unallowable lobbying," as defined in the revision.

4. *The exception for providing assistance in response to a "specific written request" has been broadened to facilitate easier usage and has been narrowed in other respects.* Section b(1).

The final version has been broadened by deleting the "specific written request" requirement and permitting oral requests, if properly documented; allowing "cognizant staff members" (in addition to Congressmen) to make such requests; and making *Congressional Record* notices sufficient to invoke the exception.

The exception also has been narrowed in certain respects by limiting it to information derived from grant or contract performance that is conveyed in "hearing testimony, statements or letters" and requested by legislative sources; requiring presentations to be "technical and factual," and further requiring that the information is "readily obtainable and can be readily put in deliverable form." Further, the use of the term "technical and factual presentation" avoids use of the exception whenever technical and factual information is provided in any manner of lobbying presentation and likewise avoids the requirement that brief advocacy conclusions following technical and factual presentations require separate accountings and disallowances.

The costs of travel, lodging or meals involved in lobbying activities which would otherwise be unallowable under the terms of section a(3) are nonetheless made allowable if expended for the purpose of offering Congressional hearing testimony pursuant to written request of the Committee's Chairman or Ranking Minority Member for a technical and factual presentation.

5. *The state waiver clause in the state lobbying exception has been deleted and the scope of the exception clarified.* Section b(2).

The state waiver clause was added to the November 1983 notice in response to concerns raised by some nonprofit organizations. It would have permitted states to make allowable all state lobbying by their subgrantees. Upon further review, however, the clause was determined to be confusing and superfluous. Further, under none of Circular A-122's other 50 cost categories do states have the right to override Federal cost standards.

Two significant clarifying changes have been made in new section b(2). First, the "lobbying" covered by the exception has been explicitly limited to lobbying made unallowable by section a(3); thus, for example, grassroots lobbying (covered under section a(4)) does not come within the exception. Second, the exception has been reworded to apply to efforts to influence state legislation affecting an organization's authority to perform a grant, contract, or other agreement, and efforts to reduce the costs to the organization of such performance. The original language, applying to an organization's "ability" to perform the grant, contract, or other agreement, was deemed too broad.

6. *The exception for "activity in connection with an employee's service as an elected or appointed official or member of a governmental advisory board" was deleted.* Section c(3) in November proposal.

This provision was put in the January 1983 proposal to prevent part-time government officials from being subject to complete non-reimbursement as a result of the "tainting" principle. Since the allocation method is now used, the exception is irrelevant and would open major loopholes.

7. *The "disclosure" requirement relating to the indirect cost rate proposal has been clarified and explicitly tied to existing accounting guidelines.* Section c(1).

The November proposal had required a statement "identifying by category, costs attributable in whole or in part to lobbying" and "stating how they are accounted for."

Section c(1) now simply requires that total lobbying costs "be separately identified" in the indirect cost rate proposal and treated consistently with other unallowable activity costs, as required by the operative Circular A-122 accounting provision.

8. *The Circular A-122 certification requirement has been changed to conform to the Defense and GSA November 1983 proposal.* Section c(2).

The November proposal's certification requirement pertains to the "Financial Status Report," which is prepared on an individual grant basis. However, most lobbying activities are accounted for in an entity's indirect costs, which are calculated on an organization-wide basis. Thus, the appropriate place to certify such costs is in the Indirect Cost Rate Proposal, as required under the Defense and GSA (FAR) approach. The final version has been changed to reflect this fact.

9. *The language explaining the "25% Rule" exception for recordkeeping has been clarified.* Section c(4).

Some commenters said that the annual period the 25% rule covered created retroactivity problems, in that intensive late-year lobbying could remove the rule's paperwork protections for persons who had previously estimated that the 25% trigger would not be exceeded. Other commenters said it was unclear whether the rule was to be based on 40-hour weeks or the actual hours worked. In response, the phrase "25% of the time" has been revised to "25% of his compensated hours of employment during that calendar month."

V. Purpose of the Revision

As set forth at greater length in the preambles to the January and November notices, the purpose of this revision is to establish comprehensive, government-wide cost principles to ensure that nonprofit Federal grantees and contractors do not use appropriated funds for lobbying activities. This principle is achieved by disallowing the recovery of lobbying costs in a manner consistent with the treatment under Circular A-122 of other costs which are disallowed on grounds of public policy. In adopting this revision, OMB does not intend to discourage or penalize nonprofit organizations from conducting lobbying efforts with their own non-Federal funds. The sole purpose of this revision is to require that those efforts be paid for with funds raised from other sources and to ensure that the Federal government does not subsidize such lobbying activities with appropriated funds. In addition, this revision seeks, for the sake of auditors and auditees both, to clarify definitions and thereby to make the current provisions against use of funds for lobbying purposes both easier to comply with and to enforce.

In recent years, Congress and the Comptroller General have recognized that the use of Federal monies by grantees and contractors to engage in

lobbying is inappropriate. The voluminous comments OMB received on the revision demonstrate that there is little disagreement on this score. Use of appropriated funds for lobbying diverts scarce resources from the purpose for which the grant or contract was awarded. By permitting such a use of its funds, the government subsidizes the lobbying efforts of its contractors and grantees. This improperly distorts the political process, by favoring the political expression of some—organizations with contracts or grants—relative to others, who must conduct their political expression at their own expense.

Government subsidization of certain participants the debate over legislative outcomes may contradict important principles of government neutrality in political debate, and use of Federal funds for private lobbying can give the appearance of Federal support of one political position over another. As the comments indicate, subsidizing such lobbying can create misunderstanding and interfere with the neutral, nonpartisan administration of Federally-funded programs. The revision seeks to avoid the appearance that, by awarding Federal grants, contracts, or other agreements to organizations engaged in political advocacy on particular sides of public issues, the government has endorsed, fostered, or "prescribe[d] [as] orthodox" a particular view on such issues. *West Virginia State Board of Education* v. *Barnette*, 319 U.S. 624, 645 (1943).

Requiring grantees and contractors to bear the costs of their own lobbying efforts does not infringe upon their constitutional rights. No person or group has a First Amendment right to receive government funding for political expression. As the Supreme Court has recently emphasized in a unanimous opinion, free speech does not mean subsidized speech. The Federal government "is not required by the First Amendment to subsidize lobbying. * * * We again reject the 'notion that the First Amendment rights are somehow not fully realized unless they are subsidized by the State.'" *Regan* v. *Taxation with Representation of Washington*, 103 S.Ct. 1997, 2001 (1983).

In recent years, the problem of the use of taxpayer funds for lobbying purposes has become of increasing concern, and steps have been taken in a variety of different contexts to address the problem. There has been increasing public concern that limited grant and contract resources should not be used in projects that involve political organizing.

Congress has responded to this problem by adopting numerous appropriations restrictions to address some of the more flagrant abuses and problems raised by lobbying activities with Federal funds. Indeed, over the past ten years, some 40–50 riders have been attached to appropriations bills to address different aspects of the problem. These appropriations riders use many different formulations, but have as a common element prohibiting the use of appropriated funds for publicity or propaganda purposes designed to support or defeat legislation. The agencies affected by specific appropriations riders include Defense, the District of Columbia, the Legal Services Corporation, and agencies covered by the State-Justice-Commerce Appropriations Acts. For example, the current Labor-HHS-Education-Related Agencies Appropriations Act, dealing with agencies that dispense the large proportion of grant funds, reads as follows:

> No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient or agency acting for such recipient to engage in any activity designed to influence legislation or appropriations pending before the Congress. (Section 509, Pub. L. 98–139.)

This provision has been construed by the Justice Department to extend the ban on grantee activities significantly beyond the conduct of "grassroots" campaigns. Moreover, as to many of the appropriations riders which prohibit agencies from using public funds for their own lobying activities, clear policies regarding grantee and contractor expenditures for lobbying may be needed in order for the agencies not to be in violation, albeit indirect, of their statutory restrictions. Enforcement of these appropriations provisions, and of the consensus principle that Federal funds should not be used to support lobbying activities, has proved to be very difficult, because of the absence of any clear definitions or standards for determining which activities by grantees and contractors violate the lobbying restrictions.

Furthermore, when audits are undertaken, the lack of clear standards imposes substantial burdens on the grantees. Auditors can have great discretion and significant leverage over the grantees in negotiations to determine which factors should be included in allowable costs. If auditors decide to inquire into lobbying activities, nonprofit entities can be compelled to provide elaborate factual backup from their records to refute any claims that may be raised. In light of the enormous expansion of Inspector General staffs and the sensitivity of this issue, significantly more auditing activity can reasonably be expected in this area in the future. Accordingly, the current practices do not serve the current need to assure that Federal funds are not used for lobbying purposes and, as well, impose potentially heavy burdens on agencies, their auditors and the nonprofit entities themselves.

As the Investigations Subcommittee of the House Armed Services Committee recently concluded:

> [T]here is a deficiency in the appropriations acts' prohibition of lobbying with appropriated funds. A review of the legislative history of the publicity-propaganda appropriations acts restrictions provides no definition of the critical terms 'publicity' and 'propaganda.' Thus, there appears to be no firm distinction between the conduct which is permissible and that which is prohibited. Thus the clear signal from Congress through the appropriations laws and other actions has not been translated into effective management controls.

In the commercial field, several steps recently have been taken to facilitate the need to be sure that Federal funds are not used for lobbying. For example:

- On December 18, 1981, the Department of Defense issued revisions to its Defense Acquisition Regulation (DAR), addressing for the first time the issue of lobbying activities, and making certain such costs unallowable under Defense contracts.
- On April 27, 1982 and October 22, 1982, Defense further toughened its rules disallowing lobbying costs by eliminating certain exceptions from coverage.
- On May 28, 1982, NASA issued a new cost principle in the NASA Procurement Regulation (NASAPR) making certain lobbying costs unallowable for NASA contractors.
- On November 2, 1982, the General Services Administration issued a new cost principle in the Federal Procurement Regulation (FPR) making certain lobbying costs unallowable for civilian agency contracts with commercial organizations.
- On April 1, 1984, the three sets of cost principles that had governed Federal contracts—the DAR, FPR and NASAPR—were replaced by the new Federal Acquisition Regulation (FAR). The FAR is the product of several years of inter-agency negotiations to create a uniform set of guidelines for all Federal contractors. The procurement agencies are required to use the new FAR regulations except in those cases where they issue a formal devisiton to a specified FAR section. The FAR adopted

the former FPR lobbying cost principle. The Defense Acquisition Regulation Council, however, issued a deviation so that the former DAR lobbying cost principle continues to be operative for Defense contractors.

These initiatives, however, affect only defense and civilian contracts with commercial entities. No generally applicable cost principle has been issued to cover the Federal funding of lobbying under contracts and grants to nonprofit organizations. These entities, however, are in the same position with respect to most Federal government cost guidelines as profit-making grantees and contractors, and the comments received by OMB clearly and overwhelmingly support the view that the same lobbying cost principles should likewise apply to them. Therefore, in keeping with sound management practices, it is important that the lobbying cost principles be extended to these nonprofit entities and harmonized, to the maximum extent practicable, with the principles already applicable to commercial concerns.

Given the vagueness of the existing A-122 standards, the need for a clear cost principle on lobbying for nonprofit grantees was addressed explicitly by the Comptroller General in September 1982, after a GAO investigation of whether funds under Title X of the Public Health Services Act were used to finance lobbying activities or abortion-related activities:

> Clear Federal guidance is needed both to ensure that Title X program funds are not used for lobbying and to preclude unnecessary controversy over whether grantees are violating Federal restrictions. *The move to revise and make more specific the cost principles applicable to all Federal grantees is the appropriate mechanism to achieve these ends.* GAO/HRD-82-106 (Sept. 24, 1982) at 27 (emphasis added).

This revision thus addresses the major area in which Federal cost principles have not yet been adopted to ensure that appropriated funds are not used to subsidize lobbying by Federal grantees and contractors. This revision is intended to provide lines of demarcation so that nonprofit entities can know in advance what is allowable. The revision protects their First Amendment rights and in significant respects strongly advances their interests. By giving nonprofit entities clear guidance and limiting the bookkeeping work that can be required to refute an auditor's claim of unallowable costs, the revision removes a potentially severe burden from these entities, especially the smaller and less well financed groups. In addition, although the revision cannot resolve in advance every problem which may arise in this complex field, a mechanism has been provided by which nonprofits may obtain advance rulings whether certain costs are unallowable.

The revision is similar in critical respects to the current Defense and FAR procurement regulations, although—as noted elsewhere in this premble—provisions added in the past two years to the cost principles governing all Federal contractors are far more restrictive than the revision adoped here. Since parallel revisions are being issued for Circular A-122 and FAR sets of cost principles, the present initiative guarantees uniformity of lobbying cost rules for both nonprofit and profit-making recipients of Federal funds. This principle of uniformity has been urged by Congressional commenters and by the GAO.

VI. Principal Objections to the Proposal

A. Legal Authority

Numerous commenters suggested that OMB lacks authority to issue this revision to Circular A-122. Most of these comments appear to have been based upon a report of the Congressional Research Service, which suggested that this might be a potential legal issue but ultimately reached no conclusion on the matter. OMB, supported by the Comptroller General, believes that its legal authority to issue the amendment is clear.

The responsibility for implementing grant programs, including the power of administration, has been delegated by Congress to the various grant- and contract-making agencies. It has long been settled that the Federal government may impose terms and conditions upon grants and contracts it awards, including those given to State or local government instrumentalities. *See, e.g., King* v. *Smith,* 392 U.S. 309 (1968). Accordingly, those agencies have the direct legal authority to establish cost principles and, prior to the late 1970s, did so in a piecemeal fashion without coordinated government-wide standards.

OMB's legal authority for establishing cost principles derives from the President's constitutional authority to "take care that the laws be faithfully executed," U.S. Constitution, Article II, Section 3; his authority under section 205(a) of the Federal Property and Administrative Services Act, 40 U.S.C. 486(a); and from the general supervisory responsibilities over the Executive Branch vested by Congress in the President and in OMB. In particular, in its capacity as the President's managing agent for the Executive Branch, OMB is authorized by 31 U.S.C. 1111(2) to assist the President in improving economy and efficiency throughout the government by developing plans for the improved organization, coordination, and management of the Executive Branch. This revision constitutes an effort to develop government-wide cost principles that are uniform, to the maximum extent practicable, and treat similarly situated organizations alike.

The President assigned responsibility for grants management to OMB by Executive Order No. 11541 (July 1, 1970), pursuant to Reorganization Plan No. 2 of 1970, 5 U.S.C. App. Subsequently, grants management authority was transferred to GSA by Executive Order No. 11717 (May 9, 1973) and transferred back to OMB by Executive Order No. 11893 (December 31, 1975). Relevant statutory authorities include section 209 of the Budget and Accounting Act of 1921, 31 U.S.C. 1111(1); and section 104 of the Budget and Accounting Procedures Act of 1950, 31 U.S.C. 1111(2). Under these and other general management authorities, OMB may develop plans for implementing better management with "a view to efficient and economical service" and may issue supplementary interpretative guidelines "to promote consistent and efficient use of procurement contracts, grant agreements, and cooperative agreements."

In its capacity of exercising the President's general management functions over the Executive Branch, OMB has the power to supervise and direct the management activities of Federal agencies. OMB has issued a series of Circulars over the years in discharging these delegated responsibilities, and these Circulars serve as one of the primary means of informing the agencies how to exercise their authority in administrative and managerial matters. The cost principles set forth in Circular A-122 exemplify OMB's traditional budget and management policy authority.

OMB Circulars are binding upon the Executive agencies as a matter of Presidential policy. Agencies, in turn, incorporate the provisions and requirements of applicable OMB Circulars into grant and contract agreements through regulations, grant or contract terms, or other means. In this manner, the Circular provisions become legally binding upon contractors and grantees. Indeed, provisions of OMB Circulars have been held legally applicable to grantees even when the grant-making agency has not explicitly implemented the Circular. *Qonaar Corporation* v. *Metropolitan Atlanta Rapid Transit Authority,* 441 F. Supp. 1168, 1172 (N.D. Ga. 1977).

This revision, like the cost principles disallowing advertising, fundraising, entertainment, and investment management costs, is directly related to the efficient and economical administration of grants, contracts, and other agreements. By prohibiting the use of grant and contract monies for lobbying (unless specifically authorized by statute), funds can be directed toward their proper uses, thereby achieving greater public benefit. As the Comptroller General has noted, "The cost principles applicable to all Federal grantees is the appropriate mechanism to achieve these ends [of ensuring that program funds are not used for lobbying]." GAO/HRD-82-106 (September 24, 1982), at 27.

As noted, the Comptroller General believes that OMB has the clear legal authority to issue the Circular amendment published today, and supports it.

B. First Amendment Considerations

Some commenters suggested that the revision might, under certain circumstances, be construed as imposing unconstitutional burdens on First Amendment freedoms of speech, association, and the right to petition Congress. Most of these objections appear to follow, in large measure, and analysis of the proposed revision prepared by the Congressional Research Service (CRS) which, as indicated, noted that constitutional questions might be raised but ultimately did not conclude that the proposal was unconstitutional in any respect. Constitutional objections to the revised November proposal were sharply reduced, apparently in response to the May 1983 decision of the Supreme Court in *Regan* v. *Taxation With Representation of Washington,* 103 S. Ct. 1997. That case reemphasized that nonprofit entities do not have a First Amendment right to have their political advocacy activities subsidized by the Federal government and essentially satisfies the principal constitutional concerns raised during the comment period. OMB, however, has carefully reviewed the comments and, where improvements in phrasing could be made to eliminate ambiguity or provide clarity, appropriate changes have been made.

Intent Underlying the Circular. Some commenters suggested that the revision was the product of an unconstitutional discriminatory purpose, and alleged intent to "defund the left." Assuming, *arguendo,* that the allegation is relevant as a matter of law in overriding the actual effect of the revision, this concern is without foundation. As more fully explained in the November 1983 notice, the intent behind the revision is. nondiscriminatory, and its effects are politically neutral. It is designed, as a matter of sound management practice, to extend to nonprofit grantees and contractors a cost reimbursement policy already applicable to similarly situated profit-making entities. The revision is intended only to ensure that Federal funds are not used to subsidize lobbying efforts. The revision is content neutral and is not intended "to discourage or in any way penalize organizations for lobbying efforts conducted with their own funds." 48 FR at 50860. Furthermore, nothing in these neutral accounting principles provides any basis for concern that they will be applied in anything but an impartial, objective fashion. Accordingly, the revision passes constitutional muster. *Regan* v. *Taxation With Representation of Washington,* 103 S. Ct. 1997, 2002-2003.

Overbreadth. Some commenters claimed that the revision violates the First Amendment because its provisions are overbroad and not drafted "precisely" and "narrowly" enough. For example, the League of Women Voters expressed concern that the language of the revision somehow might require "disclosures concerning the source of funds for private lobbying and certain other political activities," in violation of its freedom of association and right of privacy.

Upon review of the comments, OMB believes that the "overbreadth" claims are defective. This is particularly so in light of the elimination of the so-called "tainting" theory, under which Federal reimbursement would have been disallowed for the entire cost of any supplies, equipment, or services of a nonprofit organization used even partially for lobbying or advocacy activities. The November proposal and this final version have dropped the "tainting" approach in favor of a much more narrowly crafted "allocation" approach, in which only the actual amounts expended are deemed unallowable—an amendment that more than satisfies all overbreadth concerns. Moreover, this allegation applies with greater force to the current, vague bar in the Circular and to the statutory bars earlier noted.

Vagueness. Other commenters suggested that the proposed revision was impermissibly vague. For example, the National Education Association contended that "the revised proposal is so ambiguous and vague that organizations would not know how to comply with them and OMB could interpret them arbitrarily and apply them unequally," and the American Friends Service Committee alleged that "[t]his [proposal] will tend to chill advocacy efforts of organizations for fear of jeopardizing Federal grants and contracts." Some commenters, including the League of Women Voters, also claimed that the proposal leaves nonprofits with no better guidance on unallowable costs than before.

Upon review of the comments, OMB finds these claims wholly unpersuasive. As noted above, the management consideration driving this revision is the desire to provide a clear, uniform definition of unallowable activities, so that grantees and contractors will know what is expected of them and can conform their conduct to the guidelines, and so that agencies and auditors will have more explicit standards to which to refer than are now available. The suggestions about vagueness are wholly speculative and without any real basis. However, in order to avoid any possible ambiguity and provide explicit guidance to nonprofit entities, the final revision has been revised in several respects, and a section-by-section explanation of the operation of the revision provided. In particular, as described in detail below, the proposed definitional phrase "lobbying and related activities" has been changed to "lobbying," and the standard "costs associated with" term has been used to clarify application of subparagraphs a and b. Finally, section (c)(5) of the proposal provides for advance clarification procedures between agencies and grantees, which should further assist in the development of a fair evolutionary process of implementing the final revision and its objective of limiting Federal subsidization of lobbying.

Recordkeeping. Finally, some commenters suggested that the revision's reporting and recordkeeping requirements somehow would burden or chill the First Amendment rights of nonprofit entities. These recordkeeping requirements comply fully, however, with the Supreme Court's decision in *Regan, see* 103 S. Ct. at 2000 n.6, and are consistent with accepted accounting principles. In fact, they constitute one of the major factors which eliminates any alleged potential for "unfettered administrative discretion" about which other commenters, notably CRS, objected. These requirements have been intentionally made *less* onerous and far more explicit than those provided by OMB management circulars in other circumstances for other types of costs. *See* the current Circular A-122, and Circular A-110: "Uniform Administrative Requirements" for nonprofit organizations, and compare

with section c(4) of the revision. As noted above, one of OMB's primary goals has been to reduce the burden on nonprofit entities during the audit process and to reduce the amount of bookkeeping material auditors may demand in challenging the allowability of their lobbying costs.

The revision simply requires nonprofit entities to "maintain adequate records to demonstrate that the determination of costs as being allowable or unallowable pursuant to paragraph B21 complies with the requirements of this Circular." The paragraph does not call for separate establishment of the lobbying and non-lobbying activities of an entity. Indeed, in the case of indirect-cost employees who spend 25% or less of their time engaging in lobbying, there is no requirement that they maintain time logs, calendars, or similar records. The grantee or contractor, in such instances, exercises full discretion over its recordkeeping activities.

In sum, the recordkeeping requirements are lawful, reasonable, and by no means burdensome relative to other unallowable cost activities.

C. Relationship With Internal Revenue Code Provisions

Some commenters suggested that the Circular A-122 revision was not necessary because the Internal Revenue Code's restrictions regarding "influencing legislation" by 501(c)(3) organizations already provide sufficient protection against lobbying abuse. Others claimed that the revision could create confusion or needlessly increase the paperwork burden on grantees and contractors already regulated by the Code provisions. Neither of these arguments is valid.

The lobbying restrictions of the Internal Revenue Code and Circular A-122 serve entirely different functions. The Code has no direct bearing on preventing the use of grantee funds for lobbying purposes, because it governs only the use of private funds and does not concern the use of Federal monies. The sole purpose of the Code provisions is to define the character and status of organizations that will be entitled to favorable tax treatment. As long as lobbying expenditures do not exceed a certain portion of its revenues, an organization is eligible for tax-exempt status under the Code (assuming it also meets the qualifying tests in other areas). The Code's lobbying provisions determine only whether an organization is sufficiently devoted to a public purpose to justify preferential tax treatment.

The Code does not address the distinct question of whether Federal grant monies should be used to reimburse lobbying cost—the sole problem addressed by the Circular A-122 cost standards. The Code's lobbying provisions thus do not preempt or otherwise make unnecessary the promulgation of cost standards in this area. Indeed, the fact that the Code's lobbying provisions do not address the use of grant monies for lobbying has been implicitly recognized by Congress on numerous occasions through appropriation bill riders prohibiting such expenditures. *See, e.g.,* Pub. L. 97-377, section 509; Pub. L. 96-74, section 607.

The fact that certain expenditures by nonprofit organizations are lawful under the Code does not mean that Federal grant monies should be spent for those purposes. For example, the Code does not prohibit tax-exempt organizations from spending their revenues on advertising or entertainment. Circular A-122, however, allows only certain advertising costs, and disallows all entertainment costs, from reimbursement from Federal awards. Moreover, the Code does not preclude additional conditions from being imposed on tax-exempt organizations. For example, Section 503 of the Code denies tax-exempt status in certain instances to organizations using their revenues for the private gain of controlling individuals. That provision does not prevent disallowance of the use of Federal grant monies for the advancement of private partisan or financial interests. This point is perhaps best highlighted by the fact that nothing in the Code would prevent some grantees from spending all of their grant funds for lobbying purposes.

Similarly, the fact that the Code and other provisions of law regulate lobbying activities of business firms (*e.g.,* 26 U.S.C. 162(e); Federal Election Campaign Act, 2 U.S.C. 431-456) does not mean that there should be no provisions in the FAR regarding such activities. Some members of the business community suggested that any provisions in Circular A-122 regarding the unallowability of lobbying expenditures should be superseded by definitions of lobbying set forth in the Federal Regulation of Lobbying Act, 2 U.S.C. 261-270. The commenters have cited no authority, however, to support the view that the Code, lobbyist registration laws, or any other statues obviate the propriety of the government's assuring that Federal grant and contract funds are spent only for authorized purposes and, to the degree feasible, that they be used to provide direct goods and services to intended beneficiaries.

Although the Code and Circular A-122 lobbying provisions serve different purposes, in practice the information and accounting practices necessary to satisfy these two authorities largely overlap so that it will generally be possible for both provisions to operate harmoniously. The Code provides a set of operational principles with which nonprofit organizations are already familiar. Thus, wherever possible, the final revision brings Circular A-122 into greater conformity with those sections of the Code dealing with nonprofit entities. Where differences remain, Circular A-122 is generally narrower in its application than the Code—and often far narrower. Thus, nonprofit entities should be able to adhere to the lobbying cost standard using existing accounting and bookkeeping systems.

While some commenters argued that Circular A-122 as revised would require all nonprofits to maintain multiple sets of books, no commenter was able to specify why simultaneous compliance with the Code and A-122 required such double recordkeeping. As discussed in the section concerning Paperwork Reduction Act considerations, a nonprofit organization maintaining adequate financial records should be able to comply fully with information requests from the Internal Revenue Service or its granting Federal agency. Further, section c(4) of the revision effectively exempts almost all employees (those that spend less than 25% of their time on unallowable lobbying activities) from any requirements to keep time logs, calendars, or similar records relating to indirect cost time.

D. Restricting the Flow of Information

Many of the critical nonprofit commenters asserted that it is crucial for them to be allowed to "educate" policymakers on pending legislation, and that the revision will impede their testimony and other assistance to legislators, by restricting the use of Federal grant and contract funds for lobbying activities. The National Education Association, for example, alleged that "the proposed revisions would have an adverse effect on the government and on nonprofit organizations through discouraging communication with Congress and disallowing activities that are vitally important to nonprofit organizations." Most such commenters seemed to premise their comments on the ground that the proposal would prevent them from even attending legislative hearing or analyzing legislation. Other claimed that, should Federal funds not be

available, there would be no other manner in which legislators could receive their valuable information.

OMB has repeatedly stated that the only effect of the revision is intended to prevent *Federal funds* being expended for lobbying purposes, and that nothing in the revision limits the ability of nonprofit entities to lobby with their own funds. OMB has made every effort to clarify the terms of the revision so as to eliminate such misconceptions about the scope of what is unallowable. Hence, various language changes have been made in the revision, especially in section a(5) and b(1). It was never intended, for example, that funding for all attendance at legislative hearings would be proscribed, but only that that funding for attendance connected with or in knowing preparation for a lobbying effort would be precluded. The final version removes any doubt on this score.

The revision will not restrict the legitimate flow of factual information requested by the legislators, who are in the best position to know what they need to discharge their functions in our system of government. Even in the context of contractor and grantee lobbying, section b(1) has been designed to avoid such interference with formal congressional hearing and normal informational interchange processes.

E. Evidence of Confusion Regarding Current Lobbying Restrictions

Several commenters argued that too few instances of the use of Federal funds for lobbying activities had been cited to justify the revision. However, as noted in the November proposal, the number of adjudicated violations was limited by enforcement difficulties, not necessarily an absence of abuses. Before the revision, it has been very difficult for auditors to obtain evidence of outright violations or fraud that could be prosecuted, or of mistakes in application, so they could be corrected. Such items were typically carried on the books as part of an organization's indirect costs, and not broken out by category.

While various statutes mandate that taxpayer funds not be used for lobbying on legislation and electioneering, and while there is clear policy consensus that no Federal funds should be spent for these purposes, the Inspectors General have reported that effective auditing of the use of Federal funds for lobbying is not possible under the existing Circular. For example, Charles Dempsey, HUD's Inspector General and Chairman of the Prevention Committee of the President's Council on Integrity and Efficiency, has stated that:

We do not believe that effective auditing of the use of Federal funds for lobbying purposes is possible under the current OMB Circular A-122. Moreover, we do not believe that, given the current Circular, it is possible to know or otherwise assess the extent to which Federal funds are used for lobbying purposes.

However, even with the current auditing difficulties, a number of instances have been uncovered in which there is, at a minimum, confusion on the part of agencies and grantees as to allowable and unallowable costs in the area of lobbying. Examples include:

- A Department of Education grantee under the Women's Educational Equity Act Program recently conducted a two-day conference in Washington, D.C. According to the conference program, one afternoon was largely devoted to a discussion of "political action and participation." The other afternoon was devoted in its entirety to "a visit to Capitol Hill and meeting with legislators." The program itself noted that the conference had been funded by the Department of Education.
- A September 1982 GAO study of grantees under Title X of the Public Health Service Act audited representative grantees, and found that some incurred "expenses that, in our opinion, raised questions as to adherence with Federal lobbying restrictions." GAO/HRD-82-106.
- GAO found that a mass transportatin grantee prepared and distribured a newsletter, a portion of which urged its readers to write to the Congress to support continued funding of a "People Mover Project." *The agency was deemed responsible* for not informing its grantees that expenditures of grant funds for this purpose were not permissible. (B-202 975, November 3, 1981.)

As noted, the GAO in September 1982, recommended a cost circular revision on lobbying. And, as further noted, the current revison has been prepared in active consultation with the GAO, which supports it. The revision will now make it possible for the Federal government to better ensure that appropriated monies reach their proper objective, while limiting the amount of documentation auditors may demand from nonprofit entities in auditing and negotiating situations. Similarly, for the first time, organizations will have clarified responsibilities and incentives for proper documentation, which will benefit both the private sector and the government.

F. The Proposed Revision Was Not Sufficiently Restrictive

Many commenters argued that the proposed revision was not sufficiently restrictive to curb abuses in this area. For example, the American Legislative Exchange Council, the largest individual membership organization of state legislators, argued that the revised proposal would not achieve the necessary fundamental reforms. "There is a tremendous concern across the country that some groups are using Federal dollars to advance their own narrow political interests before Congress and State legislatures * * * we believe these regulations should be stronger in requiring a strict accounting of Federal grant money."

Similarly, Taxpayers for Less Government recommended broadening the definition of unallowable lobbying to include the lobbying of several types of government entities not covered under the November proposal, such as school boards and independent regulatory commissions. It also recommended that all forms of legislation be explicitly covered, including bills, appropriations, declarations, ratifications and calls for conventions. It also contended that, "[c]ourt cases on any of these areas should also be prohibited with the use of tax funds; if a group has a legal dispute, the taxpayer should not have to underwrite the extensive litigation process."

The Stockholder Sovereignty Society advocated several changes to tighten the revision: (1) Assess double or treble damages against violators; (2) debar violators from participating for five years in the particular program from which funds were diverted for lobbying or related activities; and (3) debar any parent, subsidiary, or other controlled organization of violators.

Many other commenters opposed the omission of local level lobbying from the revision, contending that there is no rational basis for funding one level of lobbying (local) when another (Federal) is made unallowable. Many also argued that the revised Circular should reflect the principle of "preemption." For example, the United States Business and Industrial Council stated "[n]onprofit organizations should be required to choose between political activism and Federal subsidies. Preemption would allow nonprofits to lobby, but only on condition that they disavow Federal funds." Such an approach would be far more restrictive than OMB's January 1983 proposal.

Braddock Publications argued that, with adoption of the allocation method,

the 25% recordkeeping rule created an unfortunate loophole. "A '10% rule' would be more reasonable and would still address the concerns of those groups which lobby very little."

OMB has carefully condidered but not accepted these suggestions. In OMB's judgment, the November 1983 revision, as modified in this final publication, constitutes a major, workable management initiative which represents the best achievable compromise among the interested parties, while fully protecting their interests. OMB also considered and rejected more extensive "sunshine" provisions which would have called for full disclosure by recipient organizations of detailed information concerning their personnel, public policy positions, affiliations of officers and directors, publications, and other such information. OMB believes such reporting requirements would exceed those necessary to achieve the purpose of this revision to ensure that Federally appropriated funds are not used for lobbying activities by grantees and contractors.

VII. Analysis of Comments and Resulting Changes to Proposal

The revision creates a new paragraph in Attachment B to Circular A-122, to be called "B21 Lobbying." Paragraph B21 consists of three subparagraphs, which in turn contain a total of thirteen sections.

A. Unallowable Lobbying—Subparagraph a

Enforcement of the current restrictions on tax-funded lobbying has been hampered by the lack of a clear definition of what activities are unallowable. In constructing the definitions and standards in this revision, OMB has drawn where appropriate upon experience with the Internal Revenue Code, statutory provisions, Defense, GSA, and NASA procurement regulations, and similar authorities. Great care has been taken to avoid prohibiting reimbursement for activities that are legitimately necessary to fulfill the purposes of a grant or contract.

Subparagraph a defines five categories of lobbying activities that are unallowable for reimbursement. It should be read in conjunction with subparagraph b, which establishes exceptions to these provisions.

B. Electioneering—Sections a (1) and a(2).

Section a(1) makes unallowable certain electioneering activities at the Federal, state, or local levels. It applies both to referenda, initiatives and similar campaigns, as well as to elections of candidates to office. The restrictions should be familiar to nonprofit organizations, since they are prohibited by 26 U.S.C 501(c)(3). This section is narrower than the Code in one respect, however, because it is confined to "contributions, endorsements, publicity, or similar activity," while the Code broadly prohibits "participat[ing] or interven[ing], directly or indirectly* * *."

Section a(2) makes unallowable the financial or administrative support of political entities—including political parties, compaigns, political action committees, or other organizations—for the purpose of influencing elections. Thus, it bars indirect support of electioneering activities through intermediaries. This section also follows the definition of disqualifying activities under the Internal Revenue Code.

Very few commenters disagreed with the principle that use of Federal funds for electioneering and political activities should be disallowed. Some, however, argued against the "disallowance of costs associated with participation in referenda, initiatives, and similar procedures." For instance, the Catholic Social Service of Santa Clara asserted that lobbying expenditures should be allowable if incurred for an educational purpose. OMB agrees that the cost of educational activities should be allowable if they are educational and nothing more. But if the activities go further than helping persons accumulate data or comprehend its meaning, and involve partisan political activity or steps designed to influence the outcome of an election, they constitute activity that should not receive Federal funding.

The American Jewish Congress also argued that section a(1) would severely restrict political campaign involvement by organizations classified under the Internal Revenue Code as 501(c)(4) groups, which face minimal restrictions as to their political involvement. As noted above, the Code's restrictions serve merely to classify organizations for purposes of taxability. By contrast, the cost principles established through Circular A-122—including this revision—define permissable uses of Federal grant or contract money, without regard to the organization's tax status. The revision does not in any respect limit an organization's right to engage in campaign activities with its own funds.

C. Attempts To Influence Legislation—Sections a(3) and a(4)

Section a(3) makes unallowable the costs of attempts to influence Federal or state legislation through contacts with government officials. This section confines the reach of unallowable lobbying to legislative decisionmaking, and does not apply to Executive Branch lobbying, with the exception of attempts to influence a decision to sign or veto legislation, and attempts to use state and local officials as conduits for grantee and contractor lobbying of Congress or state legislatures. The coverage of section a(3) is more limited than the current prohibitions in the Internal Revenue Code, and the FAR, in that it does not apply to legislative lobbying at the local level (*e.g.*, matters such as obtaining zoning changes, police protection, or permits). Since there is no rigorous separation between legislative and executive authority at the local level, it would be difficult to construct or enforce a rule regarding legislative lobbying at that level.

Efforts to influence state and local officials to accomplish the lobbying activities defined in section a(3) are likewise unallowable. Thus, the Federal government will not reimburse an organization for the cost of meeting with mayors or city council representatives if the purpose is to convince them to lobby the Congress for legislation that the grantee or contractor favors.

The comments raised few objections to the basic soundness of the proscriptions in section a(3), although some argued that the broad coverage of the January 1983 proposal was more appropriate than the more-limited scope of the November proposal. The Conservative Caucus suggested that the costs of attempts to influence rulemakings (as well as legislation) and of local level lobbying should be added to the list of unallowable activities. Similarly, the Fairness Committee argued that reimbursement should not be allowed for *any* Executive Branch lobbying, and not simply decisions to sign or veto legislation. After careful consideration, OMB has decided not to expand the scope of this section. Rulemakings frequently have direct implications for a grantee's technical performance of its award. Furthermore, recipient organizations are likely to require regular contacts with Executive oficials in the ordinary course of managing and performing the terms of the grant or contract. As stated above, this is even more certain to be the case at the local level. The granting or witholding of Executive consent to a bill is an integral part of the legislative process, however, so that this limitation on Executive lobbying is appropriate.

One commenter, the Concho Valley Center for Human Development, objected that "prohibiting lobbying at

the state level would interfere with business that is more appropriately the purview of the state legislature." Ample allowance is made in section b(2) of this revision for activities at the state level affecting the authority of an entity or the costs of performing Federal grants or contracts. Likewise, as recognized in section b(3), specific grant or contract provisions may, pursuant to Federal statutory law, make allowable certain lobbying with grant or contract funds. Apart from these exceptions, it is not the business of the Federal Government to subsidize lobbying of state legislatures.

Section a(4) deals with grass roots lobbying, and is applicable only to grass roots campaigns concerning legislation. Similar provisions are found in many appropriations riders and have been interpreted and applied by GAO on many occasions. The definition of grass roots lobbying in section a(4), however, is less inclusive than that of the Internal Revenue Code. It is limited to efforts to obtain concerted actions on the part of the public and, unlike the Code, it does ot include attempts "to affect the *opinions* of the general public," if such attempts are not intended or designed in such fashion as to have the reasonably foreseeable consequence of leading to concerted action. 26 U.S.C. 4911(d)(1)(A). The narrower reach of this section is consistent with GAO's interpretation of the prohibitions in appropriations riders on the use of funds for "publicity or propaganda." *See, e.g.,* Comp. Gen. Op. B-202975 (Nov. 3, 1981).

It was suggested that use of the term "legislation pending," in sections a(3) and a(4) of the proposal, was ambiguous and questioned whether that phrase applied only to bills formally introduced before a deliberative assembly, or included legislation in the process of development. In response to that concern, these sections have been amended to specify that they apply when the activity in question constitutes an attempt to influence either "the introduction of Federal or state legislation" or "the enactment or modification of any pending Federal or state legislation." This language, especially when considered in conjunction with the phrase "costs associated with" which commences subparagraph a, should clarify that the costs of preparing, instigating or urging legislation not yet formally introduced are just as unallowable as lobbying with regard to bills that have already been introduced.

Several commenters, including CARE and the National Association of Manufacturers, expressed concern that costs of an activity not originally intended to promote legislative advocacy might be disallowed, after the fact, if it were later discovered that the activity or its proximate effects did in fact lead to the development and promulgation of legislation. The revision addresses this problem. The limitation on "costs associated with * * * any attempt to influence * * * legislation," as used in sections a(3) and a(4), includes costs which support or facilitate prusuing or developing legislation before its formal introduction. However, the key phrase in the final version of sections a(3) and a(4) is "attempt to." This phrase requires intent or conduct with the reasonably foreseeable consequence of initiating legislative action, or to support or facilitate such ongoing action, in order for its actions to be categorized as "unallowable."

The language of sections a(3) and a(4) has been amended in minor respects so that it tracks more closely those provisions of the Internal Revenue Code which establish the activities that constitute "influencing legislation." Section a(3) tracks 26 U.S.C. 4911(d)(1)(B), which prohibits "an attempt to influence any [Federal, state or local] legislation through communication with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of the legislation." Similarly, section a(4) follows 26 U.S.C 4911(d)(1)(A), which defines "influencing legislation" to include "any attempt to influence any [Federal, state, or local] legislation through any attempt to affect the opinions of the general public or any segment thereof." As previously noted, sections a(3) and a(4) are narrower than the comparable Code provisions in several respects.

D. Legislative Liaison—section a(5)

Section a(5) makes unallowable the cost of legislative liaison activities when they are in furtherance of unallowable activities as defined in sections a(1)-(4). While a key purpose of an organization's "legislative liaison" activity may be to direct and prepare for what has been defined in this revision as unallowable lobbying, it may also serve other functions that this revision does not make unallowable. By contrast, under the current Defense Department Supplement to the FAR, *all* legislative liaison activities are deemed unallowable.

OMB received more technical comments on this section than any other part of the proposal. Some commenters argued that, since the Internal Revenue Code does not disallow "legislative liaison" for purposes of determining organizations' tax-exempt status, neither should Circular A-122. However, the IRS does not exempt legislative liaison activities from treatment as lobbying—it merely does not recognize legislative liaison as a separate category of lobbying. Legislative liaison activities which, in the language of section a(5), were "in support of or in knowing preparation for an effort to engage in unallowable lobbying" would be covered by the IRS bar. In any event, however, and as discussed above, the revision is concerned not with determining the tax status of entities, but with the proper use of Federal funds by recipient organizations. Use of the term "legislative liaison" in section a(5)—in its present, narrow sense—can now not excuse or mask lobbying activities by grantees or contractors.

Many other commenters argued that the proposed section a(5) was ambiguous. In particular, they objected that the compound effect of prohibiting "legislative liaison" contributing to support "lobbying and related activity" was vague, and that the proposal was difficult to construe because it employed a double negative—that is, all "legislative liaison" costs were unallowable unless the activity was unrelated to lobbying. The final version of section a(5) has been revised to accommodate these concerns. The new language provides that "legislative liaison" is unallowable only "when such activities are carried on in support of or in knowing preparation for an effort to engage in unallowable lobbying."

The "knowing preparation" requirement in the final revison should avoid unintended retroactivity problems by not permitting auditors to automatically disallow legislative liaison costs in every instance where they are associated with later efforts at lobbying. While responsibility for establishing the allowability of costs rests, here as in all aspects of cost reimbursement, with the parties seeking it, the "knowing preparation" standard of section a(5) is a particularly favorable one for grantees and contractors. Thus, only those legislative liaison activities which, from their timing and subject matter, can reasonably be inferred to have had a clearly forseeable link with later lobbying fall within the "knowing preparation" standard of section a(5).

Finally, it should be noted in connection with section a(5) that the term "costs associated with," which commences subparagraph a, is fully applicable. This means that the proscription in section a(5) extends not only to costs directly attributable to

performing a "legislative liaison" activity, but also to costs that support or facilitate its performance. Likewise, the technical status of a piece of legislation (*i.e.*, whether it is formally introduced, referred or enrolled) is not dispositive of the issue whether the costs of "legislative liaison activities" are unallowable within the meaning of section a(5).

E. Exceptions to Unallowable Lobbying—Subparagraph b

Subparagraph b contains three exceptions to activities disallowed under subparagraph a. The subparagraph does not necessarily make the costs of these activities *allowable;* allowability or unallowability of such costs will be determined by the terms of the grant, contract, or other agreement involved. Circular A-122 does not authorize costs or expenditures; it merely limits the allowability of costs or expenditures.

Some commenters noted that the use of the term "not unallowable" in the introductory clause to this subparagraph in the November proposal might indicate a fine legal distinction which grassroots volunteers would be unlikely to comprehend or which would lead to needless confusion. For clarity, the introduction of subparagraph b has accordingly been modified to provide that "the following activities are excepted from the coverage of subparagraph a." For this reason, activities which are not defined as lobbying by subparagraph a, *e.g.*, informational communications by organizations with its members or the distribution by organizations of nonpartisan analyses, are not set forth as separate sections of subparagraph b. To the extent that those, or any other activities, otherwise fall within the definitional terms of any section of subparagraph a, they are deemed unallowable unless they fall within the exceptions defined by subparagraph b.

F. Legislative Requests for Technical and Factual Information—Section b(1)

Section b(1) exempts from subparagraph a technical and factual presentations to a legislative audience on a topic directly related to grant or contract performance and offered upon a documented request, even though the presentation would otherwise constitute unallowable lobbying. Since contacts with legislative sources are not made unallowable in the first place unless they are for purposes of influencing legislation, this exception is relevant only to those legislative contracts made unallowable under section a(3). The exception is meant to fulfill the specific informational needs of legislatures, and members and staffs thereof, and has been revised extensively to reflect concerns expressed in the comments and by members of the interested Congressional committees.

The term "technical advice or assistance," used in the November 1983 proposal to define the scope of the exception, has been changed to provide that costs of rendering "technical and factual presentation of information" may be excepted. The term "factual" was added after "technical" to clarify that, to be reimbursable, the services rendered in a section b(1) situation must be overridingly informational in purpose and content, and not advocatory. However, the fact that an advocatory conclusion is reached does not in itself make the presentation unallowable. As previously indicated, this exception will avoid separate accountings and disallowances for each kernel of information provided in a lobbying effort, and will restrict the exception to "presentation[s]" which are in fact and which would be clearly seen as "technical and factual" in character. This change will allow and advocatory conclusion to be communicated with no disallowance for the time and effort involved in preparing or communicating the conclusion, provided of course that it clearly and naturally flows from the technical and factual data presented and is a distinctly minor aspect of the overall presentation. In addition, the lobbying effort excepted by section b(1) is confined to information on a topic directly related to the performance of a grant, contract or other agreement.

A requirement that the presentation of such information is to be provided through "hearing testimony, statements or letters" also has been added to the scope provision, in response to a Congressional suggestion. This change helps clarify that, with the exception of travel, meals and lodging costs in connection with a(3) lobbying, such information need not necessarily be tendered in formal testimony to fall within this exception.

Discussions with Congressional staffs revealed concerns that legislators' routine business of information gathering in connection with hearings, drafting bills and other legislative functions might be hampered if the types of requests sufficient to invoke the section b(1) exception did not include oral requests, especially by telephone. Accordingly, the condition that the request be "written" has been changed to a requirement that it be "documented." The final version of section b(1) de-emphasizes the necessity for stringent request documentation requirements. The section also now states explicitly that the technical information exception is invoked by notices in the *Congressional Record* requesting testimony or statements for the record at regularly scheduled hearings. Some persons suggested that some of the routine information-gathering functions of the legislative bodies might be disrupted if such notices and responses to them were not specifically included in section b(1). As indicated below, for its costs to be excepted, the presentation must not only be of a "technical and factual" nature, but must also be "readily obtainable and can be readily put in deliverable form."

Several commenters expressed uncertainty about the requirement that, to fall within the exception, technical advice or assistance to legislative bodies must be "in response to a *specific* * * * request." The term "specific" has therefore been deleted from this final version of section b(1). This change does not affect the underlying intent that requests sufficient to invoke this exception must be *bona fide,* may not be open-ended or indeterminate, and must not be made for the purpose of circumventing the subparagraph (a) restrictions.

Section b(1) now requires that the request for information be "made by the *recipient* member, legislative body or subdivision, or a cognizant staff member thereof." This language, articulating a condition implicit in the November 1983 version, makes explicit that the person or committee requesting the information should be the recipient, so that, for example, a request by one employee of the legislative branch could not be advanced as justification for allowing the costs of a lobbying mailing to each Member of Congress.

The term "cognizant staff member" has been inserted in response to Congressional comments that the November 1983 language might require personal attention by legislators to each request for factual or technical information. Linking the request from a staff member to that person's "cognizance" of the matters for which the information is sought is intended to ensure that the request is a *bona fide* request for information of a truly factual and technical nature, not otherwise readily available to the legislators.

When the above changes were made to greatly ease the implementation of the exception, it became necessary to put some limit on the costs that grantees and contractors could charge the Federal government when undertaking

such lobbying. With the elimination of the requirement for a written request, and the addition of the provision allowing *Congressional Record* notices to suffice for providing such information at government expense, a corresponding potential was created for unduly substantial Federal financing of lobbying.

In order to ensure that the information and its preparation are the true bases of the cost, section b(1) has been revised to require that the response must be information that "is readily obtainable and can be put in readily deliverable form." (This provision is intended to restrict and relate to the costs of acquisition and delivery of information, not the time involved in responding to requests.) Provision of such assistance justifies invoking the exception only when the information is known or obtainable—and in such form—as to be readily produced and delivered. The section b(1) exception was included in order that legislators could draw on the expertise and data possessed by nonprofit organizations—even while offered as part of a lobbying effort. This section, however, does *not* justify paying for research projects or otherwise incurring significant charges to grants or contracts to develop information not readily at hand.

Likewise, in order to limit Federal payment for lobbying to technical and factual presentations most likely to produce expert information not readily obtainable elsewhere, the further requirement has been added that the presentation be linked to information "derived from the performance of a grant, contract or other agreement." This provision permits the exception to be invoked for information not only derived from grants or contracts presently in effect but also information on topics directly related to grant or contract or other agreements. Nonetheless, a direct nexus between the topic of a grant, contract or other agreement and the technical and factual presentation will be required to be shown.

While the revision seeks to maximize the free flow of information from Federal fund recipients to Congress, this does not mean to allow grant funds to pay for lobbying trips to Washington simply because part of that trip was devoted to delivering information to a staff member, or delivering essentially unsolicited statements or testimony to a Committee hearing.

To deal with this problem, the revision provides that Federally-reimbursable costs under this exception could not include travel, lodging or meal costs, except when incurred for the purpose of providing Committee hearing testimony upon written request for a technical and factual presentation. To help ensure that the Federal financing of lobbying trips to Washington is limited to those which Congress deems necessary to its decision-making, the revision provides that these otherwise restricted costs (travel, lodging and meals) can only be "incurred to offer testimony at a regularly scheduled Congressional hearing pursuant to a written request for such presentation made by the Chairman or Ranking Minority Member of the Committee or Subcommittee conducting such hearing." To the degree possible, the cost of providing information requested by legislators should be paid for out of the legislative budget. Both houses of the Congress have rules providing for payment of expenses relating to Congressional testimony. (*See*, Senate Resolution 538, 98-2; House Rule 35.)

The American Civil Liberties Union challenged the entire section b(1) exception on the grounds that linking the exception to a special legislative invitation constitutes an impermissible regulation of free speech on the basis of content. The reimbursement provisions set forth in section b(1) do not discriminate against any person's speech but turn instead on the type of assistance rendered. Under *Regan*, the Supreme Court has ruled that no entity has a right to have its speech subsidized with Federal funds. Thus, it is constitutional to establish general cost guidelines to clarify the types of lobbying for which the government will provide reimbursement. Indeed, this section is based upon a similar provision in the Internal Revenue Code. It bears repeating that nothing in this revision prohibits grantees or contractors from conducting any form of lobbying or making any kind of communication to Congress they wish, as long as they do so with their own funds.

G. State Level Lobbying Related to Performance of Grant or Contract—Section b(2)

Section b(2) exempts lobbying otherwise unallowable under section a(3) to influence state legislation in order to directly reduce the cost or to avoid impairment of the organization's authority to perform a grant, contract, or other agreement. Such lobbying is permitted because it can directly benefit the Federal government by helping minimize the costs of award performance. The exception does *not*, however, permit the use of Federal funds to lobby state legislatures to promote an organization's ideological objectives merely because those objectives are consonant with the purposes of the grant or contract.

A primary concern for several national organizations that commented on this proposal was the problem of determining how closely legislation must directly affect the performance of a grant or contract in order to fall within the proposed exception. A related concern was the possibility that an activity could serve multiple purposes, some of which would and some of which would not "directly relate" to the organization's grant mission.

In the final version, the term "directly affecting" has been deleted, and other changes made to the language to clarify the precise scope of the exception. Thus, the lobbying affected by the exception is specified to be only that made unallowable by section a(3). Additionally, the phrase "at the state level" was deleted in favor of the greater clarity provided by the phrase "to influence state legislation." Finally, the phrase "or related activity" after "lobbying" has been dropped, consistent with changes throughout the revision.

The most significant substantive change made to this section was deletion of the phrase "ability of the organization," which several commenters argued was far too broad. For example, the "ability of the organization" to perform a grant, contract, or other agreement could be construed to include those secondary, tangential, or speculative aspects of the activity that the November 1983 preamble indicated did not fit properly within the exception. 48 FR at 50865. OMB has deleted this language and replaced it with a reference to an organization's basic "authority" to perform the activity, thus eliminating the potentially overbroad applications that could be associated with the term "ability." The potential for such abuse is made evident by the incident described below:

> ANNAPOLIS, March 7—Administrators of two community-based programs for the mentally retarded led several hundred clients in a demonstration here today in support of bills that would raise employes' salaries and exempt their organizations from state procurement laws * * *
>
> [The demonstration organizer] said that all participants in today's demonstration had been "educated intensively" about the reason for the demonstration and had elected to come, although some might have forgotten by the time they arrived, he said * * *
>
> Demonstration organizers defended the tactic saying the bills, if approved, will directly affect the clients by improving the quality of care they receive * * * [*See*, *Washington Post*, March 8, 1984, pp. C1, C5.]

Under the November 1983 proposal, a strained argument could be made under the concept of "ability to perform" that the lobbying on the bills described above should fit within the exemption—a wholly unintended and inappropriate result. By focusing on an organization's "authority" instead of its "ability" to perform, the revised language should eliminate any confusion as to what was intended by the exception. Moreover, by modifying the reference to "cost" to include only cost reductions, the revised language precludes lobbying for higher salaries and reflects the point made in the November 1983 preamble, that the exception is intended to allow lobbying for lower costs or better performance of grants or contracts. These changes guarantee that the only lobbying costs reimbursable under the exception will be those that relate to the organization's direct performance of the grant or contract in the most cost-efficient manner possible, or its very authority to perform the grant or contract.

A state waiver clause was added to the November 1983 notice in response to concerns raised by some nonprofit organizations. That clause would have permitted states to make Federally reimbursable the costs of all state lobbying by their Federally-funded subgrantees. Upon further review, however, the clause was determined to be superfluous, and potentially troublesome for several reasons. Some nonprofit commenters found the exception confusing, subject to partisan political pressures, and a needless cause of complexity for grant rules. Under none of Circular A-122's other 50 cost categories do states have the right to determine which costs will be eligible for Federal reimbursement. Furthermore, any lobbying "to influence State legislation in order to directly reduce the cost, or to avoid material impairment of the organization's authority to perform the grant, contract or other agreement," is already excepted by the remainder of section b(2).

H. Lobbying Authorized by Statute—Section b(3)

Section b(3) exempts any activity specifically authorized by statute to be undertaken with funds from Federal grants, contracts, or other agreements. This technical section reflects that the provisions of this Circular do not override statutory law. Only minor wording changes—with no change of substance—were made from the wording of this provision in the November proposal.

I. Exceptions Deleted from November Proposal

Section c(2) in the November 1983 proposal specified that communications with Executive Branch officials would not be unallowable, with two exceptions now set out in section a(3): (1) To influence a decision to sign or veto legislation, or (2) to influence state or local officials to serve as conduits for unallowable lobbying activities. This section had been inserted solely for the purpose of clarifying that the only Executive Branch communications regulated by the revision are those relating to signing or vetoing legislation, or serving as a lobbying conduit.

On the other hand, it is not intended that proscriptions should be created by implication from the fact that a type of activity is not specifically excepted in subparagraph b. Hence, section c(2) has been omitted entirely, since the only Executive Branch contacts unallowable in the first place are those dealing with a decision to sign or veto enrolled bills, as specified in section a(3). As indicated by the new language introducing subparagraph b, the final version of the subparagraph contains only exceptions to activities which are otherwise unallowable.

Section c(3) of the November proposal also has been deleted, since other provisions of the revision make it superfluous. This section concerned the application of the "tainting" principle of the Janury proposal which was eliminated in the November proposal and replaced by the current proportional "allocation" principle. The inclusion of section c(3) in the November revision was inadvertent and has been corrected.

J. Accounting Treatment of Unallowable Costs—Subparagraph c.

As with the Federal Acquisition Regulation and as is already the case under Circular A-122's general rules for unallowable costs, the costs identified as unallowable by this revision include not only costs of the direct activity itself but also the costs of other activities supporting that activity. for example, if a lobbyist spends four hours lobbying the Congress and an additional eight hours in study, consultation, and preparation for the lobying, the full twelve hours, with the cost of any support services and any other costs attributable to the lobbying activity, are disallowed.

As emphasized in the comment published with the text of the November proposal, only the portion of those cost items allocable to the lobbying activity is unallowable. Thus, if an employee spends 60% of his time on lobbying activities and 40% on Federal grant activities, 40% of the salary may be allocated to the grant. This approach is consistent with the FAR lobbying cost treatment provision, as well as with the traditional accounting method of prorating costs between allowable and unallowable activities.

OMB considered and rejected an alternative method of allocating costs of items used for both lobbying activities and grant or contract purposes, namely, the concept that no Federal money can be used to pay for any portion of a cost item used for lobbying activities: (1) In any way, or (2) over 5% of the time. The OMB proposal published in January 1983 followed this stricter approach. Commenters argued tht it would increase the cost of performing Federal grants and contracts by effectively requiring them to separate their lobbying activities from their grant or contract activities and could also lead to inefficient duplication of equipment and facilities. They also argued that it would burden the First Amendment rights of contractors and grantees because engaging in lobbying activities could result in otherwise legitimate costs being disallowed. As set forth in the November notice, OMB has adopted a different approach which alleviates these concerns and serves the goal of assuring government neutrality by disallowing reimbursement of Federally appropriated funds used for certain types of lobbying.

K. Indirect Cost Rate Proposal—section c(1)

Subparagraph c establishes an administrative framework for the overall revision. Section c(1) follows current cost allocation principles familiar to grantees and contractors and establishes a general format similar to that now applicable to comparable unallowable activities.

Indirect cost rate negotiations are conducted between an organization and a single cognizant agency on an organization-by-organization, rather than on a grant-by-grant basis. This approach saves agencies and recipient organizations considerable time and effort in cases where the organization receives more than one grant or contract. The revision has been modified to reflect this approach. Further, section c(1) follows existing accounting practice and emphasizes that lobbying costs must be identified and dealt with appropriately, in accordance with the Circular's indirect cost rate provisions.

Although very few commenters criticized section c(1), some—including Congressional sources—expressed concern that the November proposal's

language could be broadly interpreted by agency auditors. Further, they suggested that lobbying costs, because of their political nature, should be subject to only very limited, if any, disclosure.

The purpose of section c(1) was simply to require accounting information necessary for the government to calculate the reimbursement of indirect (overhead) costs. Such information is already made available to auditors through existing recordkeeping requirements in Circulars A-122 and A-110.

However, to clarify OMB's intent to request only the minimum amount of accounting data to comply with existing accounting guidelines, OMB has rewritten section c(1) following consultation with GAO and Congressional staffs. In essence, only the minimal information that is needed for the calculation of Federally-reimbursed overhead costs is now required, and organizations are completely exempt from this section if they do not seek such Federal reimbursement.

The new section c(1) says that only the *total* lobbying costs must be identified in the indirect cost rate proposal. This will allay concerns of nonprofit groups that separate accountings and disclosures were mandated for each of the five component definitions of lobbying set forth in sections a(1)-a(5). Moreover, since this information is made necessary only for indirect cost calculations in order to avoid Federal subsidization of the lobbying process, this sentence also explicitly makes clear that no such disclosure is required by the revision unless the grantee seeks reimbursement for indirect costs. (See also, Internal Revenue Service Form 990, requiring lobbying cost disclosure, which many nonprofit organizations now submit.)

In comparison with the November proposal, the new section c(1) sharply reduces the accounting data requested, eliminates language that some thought gave agencies too much discretion in requesting information, and explicitly ties the treatment of lobbying costs to existing Circular A-122 requirements. The November proposal's requirement of "a statement, identifying by category, costs attributable in whole or in part" to lobbying, as well as the requirement of a statement of "how (lobbying costs) are accounted for," have been deleted.

When the existing Circular A-122 accounting requirements are reviewed in conjunction with the uniquely lenient recordkeeping treatment provided for lobbying in section c(4) of the revision, it becomes clear that such information is the minimum necessary to achieve an acceptable level of accounting integrity, and that the overall recordkeeping required for lobbying costs is much less than that required for any other type of allowable or unallowable cost.

It should of course be noted that the stated requirement that organizations must "separately identify" their total lobbying costs cannot be construed to limit auditors or indirect cost analysts from requiring more detailed breakdowns when such information would normally be required under existing indirect cost rate proposal guidelines. *See, e.g.*, the Department of Health and Human Services' "Guide for Nonprofit Organizations" (May 1983) at 73 (Sample Indirect Cost Proposal Format—Direct Allocation Method). Additionally, if auditors suspect that an organization may be misstated its unallowable lobbying costs, they are not constrained from requesting any data normally accessible under Circulars A-122 and A-110, as long as such data does not fall under the recordkeeping exemption provided in section c(4).

Section c(1) follows existing Circular A-122 requirements that provide for the general disclosure of the costs spent on unallowable activities. This requirement is necessary so that when the government calculates the amount of an organization's indirect costs (*i.e.*, overhead) that it will pay, it does not include the costs of unallowable activities that the organization happens to account for as indirect costs. Paragraph B.3 of the existing Attachment A to Circular A-122 now requires this:

> The costs of certain activities are not allowable as charges to Federal awards (see, for example, fund raising costs in paragraph 19 of Attachment B). However, even though these costs are unallowable for purposes of computing charges to Federal awards, they nonetheless must be treated as direct costs for purposes of determining indirect cost rates and be allocated their share of the organization's indirect costs if they represent activities which: (1) Include the salaries of personnel, (2) occupy space, and (3) benefit from the organization's indirect costs.

Some persons argued that unallowable costs need not be reported, since they are not Federally reimbursed. However, it is impossible for the government to properly determine the extent to which it should pay for an organization's indirect costs unless it can determine what portion of the organization's total indirect costs are from allowable activities, and what portion are unallowable. Such treatment is currently required under Circular A-122's Attachment A, Section D: "Allocation of Indirect Costs and Determination of Indirect Cost Rates."

Further, some persons argued that the disclosure requirement should expressly authorize that initial submissions in indirect cost rate proposals set forth an aggregated figure representing both lobbying and other unallowable costs. Such an approach would codify the current practices of most (but, it should be pointed out, not all) grantees, a not unsurprising fact in light of the vagueness of the current standard and the relative lack of audit resources applied to determining whether lobbying activities are supported by Federal grants and contracts. There is agreement that auditors would be able to obtain and would indeed require disaggregated information on lobbying costs if they engage in specific auditing of lobbying disallowances.

In weighing this proposal against agency auditors' concerns that detailed breakdowns of lobbying costs are critical to proper cost analyses, OMB has resolved to require that only the total amount of lobbying costs be initially disclosed in the indirect cost rate proposal. OMB has determined that it would make no sense to rely on varying and what would almost certainly be inconsistent initiatives of individual auditors, regional offices and agencies to inquire, as a matter of standard practice, into whether lobbying activities are being improperly subsidized through indirect cost allocations—or to rely on random audits to accomplish this purpose. Thus, the final revision requires, consistent with paragraph B.3 of Attachment A and at a level of specificity less than that generally provided for fundraising activities, *i.e.*, disclosure only of a total, lump sum lobbying cost figure. Disclosure of such a figure will give auditors a basis for further inquiry into lobbying cost estimates set forth in particular indirect cost rate proposals, and will provide a level of detail that actually would be minimally required in every instance in which an auditor seeks to determine whether Federal subsidization of lobbying is taking place through the overhead mechanism. Given the 25% rule which makes more difficult auditor disallowances of lobbying estimates, this balanced compromise—and reduction in the level of detail called for in the November 1983 proposal—is in OMB's judgment a minimal requirement consistent with the Circular's accounting guidelines.

L. Certification Requirement—Section c(2)

The requirement in section a(2) of the November 1983 proposal, that certification accompany the Financial Status Report, has been changed in the final version to a requirement that certification accompany an organization's annual indirect cost rate proposal. Since a Financial Status Report is required for each grant that an organization has, while an organization must file only one indirect cost rate proposal per year to cover all of its grants, this change reduces paperwork and administrative effort.

Further, lobbying expenses are usually included in indirect costs, which are calculated on an organization-wide basis. Consequently, the appropriate place to certify such costs is in the annual indirect cost rate proposal, as required under the Defense and GSA proposed revisions. In addition, most future audits will be "single audits" of all Federal funds received by the grantee, so there will be less emphasis on the Financial Status Report and more on the indirect cost rate proposal.

M. Recordkeeping—Sections c(3) and c(4)

Documentation of the amounts of allowable and unallowable costs became a necessity when the method of cost treatment was changed from total disallowance of cost items partially involved in lobbying (the January 1983 proposal) to the typical "allocation" cost treatment. The principal alternative considered by OMB was to adopt the documentation philosophy of the restrictions on lobbying in the prior Defense, GSA, and NASA procurement regulations, *i.e.*, to place the burden on the grantee or the contractor to prove in all instances the appropriateness of a cost. This approach, while consistent with the cost principles in general, would entail an implied burden on some indirect cost employees to maintain records (time logs, calendars, or the like) to establish the proportion of their time spent on lobbying. This would be of particular concern for high level officials of grantees and contractors who, in the ordinary course of business, may engage in only a small amount of lobbying. OMB (along with Defense, GSA, and NASA) will therefore allow grantees and contractors to certify in good faith the amount of their employee's time attributable to lobbying activities.

No detailed recordkeeping requirements have been included in this revision, as these requirements are generally set forth for all nonprofit organizations in OMB Circular A-110: "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations: Uniform Administrative Requirement," (*See, e.g.*, Circular A-110, Attachments C and F.) That Circular generally requires grantees, *inter alia*, to keep for a period of three years, "[f]inancial records, supporting documents, statistical records, and all other records pertinent to [grants]," and to access for audit purposes "pertinent books, documents, papers and records of * * * recipient organizations."

Section c(3) restates the general rule for cost documentation, but is modified by section c(4), which provides that for the purposes of complying with this revision, employees are not required to prepare or maintain time logs, calendars, or similar records to document the portion of their time treated as an indirect cost. This means that the agency and auditor must rely on the employee's good-faith estimates of time spent in lobbying, or upon other evidence not otherwise precluded. As noted earlier, the absence of time logs or comparable records for indirect cost time not kept pursuant to the discretion of the grantee or contractor will not serve as basis for government auditors disallowing claims of allowable costs by contesting unallowable lobbying time estimates except in two distinct situations: first, where the employee spends more than 25% of his compensated hours of employment during a month lobbying; and, second, where a material misstatement of costs has been found within the preceding five years. This avoids the necessity of employees who engage in only incidental lobbying having to account for all of their time to Federal agencies. Morever, by making each calendar month an independent, operative period under section c(4), problems of retroactivity are avoided by persons unexpectedly required to engage in intensive lobbying during the latter portions of a larger operative period such as a calendar year. Alternatively, persons engaged in intensive lobbying activities during the earlier portions of such a longer operative period will not lose the protection of section c(4) during latter months of the longer period when lobbying activities fall below the 25% trigger.

However, it should be stressed that in the exemption from "records which are not kept," the primary sense of the word "kept" was "created." Thus, records that would otherwise be kept in the ordinary course of business cannot be destroyed simply to avoid audit inspection merely because they are not required under this exemption. For two significant reasons, the last sentence of this section, as proposed in the November 1983 version, has been deleted. It stated:

> Agency guidance regarding the extent and nature of documentation required pursuant to subparagraph [c](3) shall be reviewed under the criteria of the Paperwork Reduction Act, to ensure that requirements are the least burdensome necessary to satisfy the objectives of this subparagraph.

Commenters questioned why, if such a provision was necessary in the first place, other laws, such as the Regulatory Flexibility Act, were not included. Such a reference to compliance with existing laws is not necessary, and the reference to the Paperwork Reduction Act was included to emphasize OMB's commitment that the sprit of this law be followed in the revision's implementation.

Morever, the Department of Health and Human Services noted that the sentence could have been read to give agencies the mandate to develop their own regulations. As there is no reason for agencies to deviate from or add to the Circular A-122 guidelines and as agency deviations could result in multiple rules for nonprofit entities—an outcome not intended by OMB and one which would create the potential for inconsistent enforcement and excessive paperwork—this sentence was eliminated from the final version.

N. Administrative Restrictions on Agencies—Section c(5)

Section c(5) requires agencies to establish procedures for advance resolution of definitional issues arising under this revision. This will alleviate the inevitable problems of interpretation at the margin and will avoid discouraging organizations from engaging in borderline activities merely because the application of the provisions may be uncertain.

Section c(5) is not intended to impose or authorize OMB micromanagement of agencies which award grants or contracts. Agencies typically have methods of resolving disagreements or differences with their grantees and contractors, and such methods shall be deemed adequate to meet the requirements of section c(5), unless OMB review of such procedures determines that changes are necessary to comply with the intent of this section.

O. Paragraph Renumbering Provision

Paragraph 2 renumbers paragraphs B21 through B50 of Circular A-122's Attachment B. Since the cost items covered under Attachment B are numbered in alphabetical order,

"Lobbying" is appropriately designated as paragraph B21, necessitating the renumbering of former paragraphs B21 through B50 as B22 through B51.

VIII. Paperwork Reduction Act Considerations

The November notice invited "comments about the appropriateness of collection of information requirements in this proposal" to be submitted to OMB's Office of Information and Regulatory Affairs. Forty-three such comments were received. Of these, twenty expressed general concerns similar to those of other commenters but raised no specific paperwork burden issues.

The twenty-three other commenters followed, almost verbatim, points raised by the Center for Non-Profit Corporations. These alleged that a "substantial increase" in paperwork would result from the recordkeeping mandated by Circular A-122. The commenters asserted that the additional paperwork burden would occur to: (1) Meet requirements for the annual indirect cost proposal, and (2) maintain the records required to demonstrate that costs are allowable or unallowable.

However, by establishing uniform and well-defined guidelines for lobbying costs, and by explicitly restricting the paperwork that auditors can require for documentation of such costs, this revision may significantly reduce the net paperwork burden to which grantees are now legally subject. Clearly, some grantees may avoid the existing paperwork requirements by ignoring the multiple—and oftern vague—sets of lobbying reimbursement restrictions that have been issued by the various agencies, and likewise ignore the existing accounting rules in Circular A-122 regarding treatment of such costs. Such non-compliance may currently exist in part because government auditors have found it difficult to efficiently enforce the myriad of vague restrictions on lobbying costs. With the clear guidelines provided by this revision, agency and audit enforcement will increase. Those grantees already in compliance with the differing sets of restrictions will enjoy a much-reduced paperwork burden; those who have previously ignored these restrictions will find that non-compliance is more likely to be questioned by government auditors.

Moreover, regardless of whether grantees currently choose to adhere to existing rules on lobbying, most routinely maintain detailed books regarding their expenditures. Annual financial planning by the nonprofit itself and filing requirements of the Internal Revenue Service already require maintenance of detailed records.

In general, Circular A-122 will not require employees to keep a second set of books, *e.g.*, time logs, to record lobbying. In fact, most employees who engage in lobbying are explicitly exempted from any requirements to keep time logs or other similar documents. This is because most lobbying is done by indirect cost (*e.g.*, headquarters staff) employees, and section c(4) states that employees who certify that they spend less than 25% of their compensated time lobbying do not have to keep such records documenting that portion of their time that is treated as an indirect cost. Since employees whose time is charged directly to contracts already must keep such records, no special rule for direct cost time is necessary.

The 23 critics of the revision also submitted identical comments to the effect that "[t]ax dollars will be diverted to unnecessary paperwork and needlessly drawn away from the purpose of the organizations by these requirements." As discussed above, the fact that the revision decreases, in general, existing paperwork requirements will reduce the current recordkeeping costs incurred to comply with existing restrictions.

Some commenters argued that differing Internal Revenue Code and Circular A-122 standards would require maintenance of two sets of financial books. No commenters were able to specify any situation in which a detailed set of expenditure records for lobbying would not provide sufficient information to serve the filing or audit requirements sufficient information to serve the filing or audit requirements of the Internal Revenue Service as well as those of the various grant or contracting agencies implementing the revision.

OMB will review all agency information burden requests to implement Circular A-122 according to the standards of the Paperwork Reduction Act. None of the comments OMB received from agencies mentioned any specific concern over a possible increase in paperwork.

IX. Enforcement

Circular A-122 is a management directive to Federal agencies establishing cost principles for use in connection with grants and contracts with nonprofit organizations. It does not contain its own enforcement mechanism, though its terms are incorporated in grants and contracts through agencies regulations or grant instruments. The degree and nature of enforcement of these anti-lobbying provisions will depend, therefore, on operational experience and competing demands on enforcement resources.

1. *Voluntary compliance.* The bedrock for enforcing these provisions is voluntary compliance by grantees and contractors. In the past, restrictions on the use of Federal funds for lobbying have been inadequately communicated and defined. Neither agencies nor recipient organizations devoted much attention to them. This revision is expected to improve compliance significantly by:

- Defining unallowable activities so that organizations can comply in good faith; and
- Providing occasions (indirect cost rate negotiations) in which responsible officials of the grantee or contractor will focus specifically on the issue of the organization's compliance.

To assist organizations in complying, agencies are to be prepared to resolve definitional questions concerning potential expenditures in advance. This procedure should reduce the inevitable difficulty of interpretations at the margin.

2. *Sanctions.* OMB considered and rejected as too stringent a penalty provision which would require the return to the Federal government of all grant or contract funds received by a nonprofit organization found to be using Federal funds to engage in lobbying. Instead, penalties for violating this revision are the same as for violations of existing Circular A-122 provisions. The principal sanction in the event of minor or unintentional violations is cost recovery, *i.e.*, the Federal agency will obtain reimbursement from the contractor or grantee of misspent funds. In more serious cases, contracts and grants can be suspended or terminated, or contractors and grantees can be debarred from further awards. The availability of these sanctions for violating the anti-lobbying restrictions of appropriations legislation has been confirmed by the Office of Legal Counsel of the Department of Justice.

3. *Audits.* Contractors and grantees are currently subject to audit requirements, and to the possibility of audit by agency Inspectors General or the Comptroller General; however, only rarely have audits focused on compliance with anti-lobbying provisions due to the difficulty of determining proper adherence to a myriad of frequently vague restrictions. After uniform cost principles are promulgated, it will become possible for uniform and effective audit enforcement to take place. Stratified audits and other strategies can be used to create an

incentive for greater compliance among all grantees and contractors. Alternatively, promulgating a defined set of rules can and will serve as a protection against audit harassment, and will and should make for fairer and simpler audits for grantees and contractors. This should be of particular benefit to smaller grantees and contractors who lack the means and support staff to contend with audits under the vague, ambiguous, and diverse rules now in effect. With expanded Inspector General and agency audit staffs now in place, the protections afforded by the proposal are manifest.

X. Designation as "Non-Major" Rule

OMB Circulars are not "rules" within the meaning of the Administrative Procedures Act or Executive Order No. 12291. Instead, they are management directives by which OMB, on behalf of the President, instructs Executive Branch entities how to exercise their authority in matters subject to agency discretion. Even if the Circular were considered a "rule," however, OMB has determined that the revision to Circular A-122 would not qualify as a "major rule" under the criteria as listed in Executive Order No. 12291, which defines a "major rule" as "any regulation that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The principal effect of the revision will be to ensure that Federal grant funds are used for the purposes for which they were intended, and not to facilitate lobbying activities. As noted above, current financial control procedures do not permit an accurate estimate of the amount of tax dollars now diverted to lobbying efforts by grantees and contractors. Whether large or small, correction of this problem will produce a net gain to the intended beneficiaries of Federal programs. The costs to be considered are primarily accounting and recordkeeping costs for grantees and contractors, as well as Federal agencies. These additional costs, however, are minimal in both absolute and relative terms. Indeed, in many instances, the revisions should reduce audit and compliance costs. Furthermore, much of the accounting work that the revision requires is already mandated by other sections of Circular A-122, Circular A-110, or other provisions of law.

Issued in Washington, D.C., April 25, 1984.

Candice C. Bryant,

Deputy Associate Director for Administration.

1. Insert a new paragraph in attachment B, as follows: "B21 Lobbying"

a. Notwithstanding other provisions of this Circular, costs associated with the following activities are unallowable:

a.(1) Attempts to influence the outcomes of any Federal, State, or local election, referendum, initiative, or similar procedure, through in kind or cash contributions, endorsements, publicity, or similar activity;

a.(2) Establishing, administering, contributing to, or paying the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcomes of elections;

a.(3) Any attempt to influence: (i) The introduction of Federal or state legislation; or (ii) the enactment or modification of any pending Federal or state legislation through communication with any member or employee of the Congress or state legislature (including efforts to influence State or local officials to engage in similar lobbying activity), or with any government official or employee in connection with a decision to sign or veto enrolled legislation;

a.(4) Any attempt to influence: (i) The introduction of Federal or state legislation; or (ii) the enactment or modification of any pending Federal or state legislation by preparing, distributing or using publicity or propaganda, or by urging members of the general public or any segment thereof to contribute to or participate in any mass demonstration, march, rally, fundraising drive, lobbying campaign or letter writing or telephone campaign; or

a.(5) Legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried on in support of or in knowing preparation for an effort to engage in unallowable lobbying.

b. The following activities are excepted from the coverage of subparagraph a:

b.(1) Providing a technical and factual presentation of information on a topic directly related to the performance of a grant, contract or other agreement through hearing testimony, statements or letters to the Congress or a state legislature, or subdivision, member, or cognizant staff member thereof, in response to a documented request (including a Congressional Record notice requesting testimony or statements for the record at a regularly scheduled hearing) made by the recipient member, legislative body or subdivision, or a cognizant staff member thereof; provided such information is readily obtainable and can be readily put in deliverable form; and further provided that costs under this section for travel, lodging or meals are unallowable unless incurred to offer testimony at a regularly scheduled Congressional hearing pursuant to a written request for such presentation made by the Chairman or Ranking Minority Member of the Committee or Subcommittee conducting such hearing.

b.(2) Any lobbying made unallowable by section a.(3) to influence State legislation in order to directly reduce the cost, or to avoid material impairment of the organization's authority to perform the grant, contract, or other agreement.

b.(3) Any activity specifically authorized by statute to be undertaken with funds from the grant, contract, or other agreement.

c.(1) When an organization seeks reimbursement for indirect costs, total lobbying costs shall be separately identified in the indirect cost rate proposal, and thereafter treated as other unallowable activity costs in accordance with the procedures of paragraph B3 of Attachment A.

c.(2) Organizations shall submit as part of their annual indirect cost rate proposal a certification that the requirements and standards of this paragraph have been complied with.

c.(3) Organizations shall maintain adequate records to demonstrate that the determination of costs as being allowable or unallowable pursuant to paragraph B21 complies with the requirements of this Circular.

c.(4) Time logs, calendars, or similar records documenting the portion of an employee's time that is treated as an indirect cost shall not be required for the purposes of complying with subparagraph c, and the absence of such records which are not kept pursuant to the discretion of the grantee or contractor, will not serve as a basis for disallowing claims of allowable costs by contesting estimates of unallowable lobbying time spent by employees during any calendar month unless: (i) The employee engages in lobbying, as defined in subparagraphs a and b, more than 25% of his compensated hours of employment during that calendar month;

or (ii) the organization has materially misstated allowable or unallowable costs within the preceding five year period.

c.(5) Agencies shall establish procedures for resolving in advance, in consultation with OMB, any significant questions or disagreements concerning the interpretation or application of paragraph B21. Any such advance resolution shall be binding in any subsequent settlements, audits or investigations with respect to that grant or contract for purposes of interpretation of this Circular; provided, however, that this shall not be construed to prevent a contractor or grantee from contesting the lawfulness of such a determination.

2. Renumber subsequent paragraphs of Attachment B.

[FR Doc. 84-11594 Filed 4-23-84; 8:45 am]

BILLING CODE 3110-01-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 31

[Federal Acquisition Circular 84-2]

Federal Acquisition Regulation

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This Federal Acquisition Circular (FAC) amends the Federal Acquisition Regulation (FAR) with respect to the lobbying cost principle in the FAR subpart that covers contract cost principles in contracts with commercial organizations.

EFFECTIVE DATE: July 1, 1984.

FOR FURTHER INFORMATION CONTACT: Roger M. Schwartz, Director, FAR Secretariat, Room 4041, GS Building, Washington, D.C. 20405, Telephone (202) 523-4755.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) has directed that the agencies implement the intent and substance of the OMB Circular A-122 lobbying cost principle in FAR Subpart 31.2, Contracts with Commercial Organizations. Accordingly, the lobbying cost principle in OMB Circular A-122 has been edited and conformed to FAR format. The revised cost principle in FAC 84-2 defines unallowable lobbying cost activity in a manner consistent with the OMB circular.

List of Subjects in 48 CFR Part 31

Government procurement.

Roger M. Schwartz,
Director, FAR Secretariat.
April 25, 1984.

Federal Acquisition Circular

[Number 84-2]

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in this Federal Acquisition Circular is effective July 1, 1984.

Patricia Q. Schoeni,
Acting Administrator of General Services.
S. J. Evans,
Assistant Administrator for Procurement.
Mary Ann Gilleece,
Deputy Under Secretary of Defense (Acquisition Management).

Federal Acquisition Circular (FAC) 84-2 amends the Federal Acquisition Regulation (FAR) as specified below. The following is a summary of the amendment:

Item I—Lobbying Costs

The Office of Management and Budget (OMB) has directed that the agencies implement the intent and substance of the OMB Circular A-122 lobbying cost principle in FAR Subpart 31.2, Contracts with Commercial Organizations. Accordingly, the lobbying cost principle in OMB Circular A-122 has been edited and conformed to FAR format. The cost principle in FAR 31.205-22 is revised to define unallowable lobbying cost activity in a manner consistent with the OMB circular.

Therefore, 48 CFR is amended as set forth below.

Authority: 40 U.S.C. 486(c); Chapter 137, 10 U.S.C.; and 42 U.S.C. 2453(c).

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

* * * * *

1. Subsection 31.205-22 is revised to read as follows:

31.205-22 Lobbying costs.

(a) Costs associated with the following activities are unallowable:

(1) Attempts to influence the outcomes of any Federal, State, or local election, referendum, initiative, or similar procedure, through in kind or cash contributions, endorsements, publicity, or similar activities;

(2) Establishing, administering, contributing to, or paying the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcomes of elections;

(3) Any attempt to influence (i) the introduction of Federal or state legislation, or (ii) the enactment or modification of any pending Federal or state legislation through communication with any member or employee of the Congress or state legislature (including efforts to influence state or local officials to engage in similar lobbying activity), or with any government official or employee in connection with a decision to sign or veto enrolled legislation;

(4) Any attempt to influence (i) the introduction of Federal or state legislation, or (ii) the enactment or modification of any pending Federal or state legislation by preparing, distributing or using publicity or propaganda, or by urging members of the general public or any segment thereof to contribute to or participate in any mass demonstration, march, rally, fund raising drive, lobbying campaign or letter writing or telephone campaign; or

(5) Legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried on in support of or in knowing preparation for an effort to engage in unallowable activities.

(b) The following activities are excepted from the coverage of (a) above:

(1) Providing a technical and factual presentation of information on a topic directly related to the performance of a contract through hearing testimony, statements or letters to the Congress or a state legislature, or subdivision, member, or cognizant staff member thereof, in response to a documented request (including a Congressional Record notice requesting testimony or statements for the record at a regularly scheduled hearing) made by the recipient member, legislative body or subdivision, or a cognizant staff member thereof; provided such information is readily obtainable and can be readily put in deliverable form; and further provided that costs under this section for transportation, lodging or meals are unallowable unless incurred for the purpose of offering testimony at a regularly scheduled Congressional hearing pursuant to a written request for such presentation made by the Chairman or Ranking Minority Member of the Committee or Subcommittee conducting such hearing.

(2) Any lobbying made unallowable by (a)(3) above to influence state legislation in order to directly reduce contract cost, or to avoid material impairment of the contractor's authority to perform the contract.

(3) Any activity specifically authorized by statute to be undertaken with funds from the contract.

(c) When a contractor seeks reimbursement for indirect costs, total lobbying costs shall be separately identified in the indirect cost rate proposal, and thereafter treated as other unallowable activity costs.

(d) Contractors shall submit as part of their annual indirect cost rate proposals a certification that the requirements and

standards of this subsection have been complied with.

(e) Contractors shall maintain adequate records to demonstrate that the certification of costs as being allowable or unallowable pursuant to this subsection complies with the requirements of this subsection.

(f) Time logs, calendars, or similar records documenting the portion of an employee's time that is treated as an indirect cost shall not be required for the purposes of complying with this subsection, and the absence of such records which are not kept pursuant to the discretion of the contractor will not serve as a basis for disallowing allowable costs by contesting estimates of unallowable lobbying time spent by employees during any calendar month unless; (1) the employee engages in lobbying, as defined in (a) and (b) above, more than 25% of the employee's compensated hours of employment during that calendar month; or (2) the organization has materially misstated allowable or unallowable costs within the preceding five year period.

(g) Existing procedures should be utilized to resolve in advance any significant questions or disagreements concerning the interpretation or application of this subsection.

[FR Doc. 84-11642 Filed 4-26-84; 10:56 am]
BILLING CODE 6820-61-M

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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Additions to Table III, February 15, 1983 through December 9, 1983

This table lists the subject matter, public law number, and citations to the U.S. Statutes at Large and U.S. Code for those acts of the first session of the 98th Congress which require Federal agencies to publish documents in the Federal Register.

Table III appears in the CFR Index and Finding Aids volume revised as of January 1, 1984.

Description of Act	*Citation*
Social Security Amendments of 1983	Public Law 98-21; 97 Stat. 158; 42 U.S.C. 1395ww; 97 Stat. 160; 42 U.S.C. 1395ww.
Supplemental Appropriations Act, 1983	Public Law 98-63; 97 Stat. 322, 97 Stat. 323.
Railroad Retirement Solvency Act of 1983	Public Law 98-76; 97 Stat. 417; 45 U.S.C. 231u.
Student Loan Consolidation and Technical Amendments Act of 1983	Public Law 98-79; 97 Stat. 480; 20 U.S.C. 1070a note.
Shipping. Enactment as Subtitle II of title 46, United States Code	Public Law 98-89; 97 Stat. 534; 46 U.S.C. 4310; 97 Stat. 559; 46 U.S.C. 9307; 97 Stat. 598; 46 U.S.C. 13110.
Federal Supplemental Compensation Act of 1982, amendment	Public Law 98-92; 97 Stat. 611; 7 U.S.C. 612c note.
Department of Defense Authorization Act, 1984	Public Law 98-94; 97 Stat. 688; 10 U.S.C. 2452 note; 97 Stat. 690; 10 U.S.C. 140c.
Mashantucket Pequot Indian Claims Settlement Act	Public Law 98-134; 97 Stat. 853; 25 U.S.C. 1753.
Veterans' Health Care Amendments of 1983	Public Law 98-160; 97 Stat. 1000; 38 U.S.C. 4106 note; 97 Stat. 1001; 38 U.S.C. 4106 note.
Grand Ronde Restoration Act	Public Law 98-165; 97 Stat. 1068; 25 U.S.C. 713e.
Dairy and Tobacco Adjustment Act of 1983	Public Law 98-180; 97 Stat. 1144; 7 U.S.C. 1445.
Supplemental Appropriations Act, 1984	Public Law 98-181; 97 Stat. 1237; 42 U.S.C. 3542; 97 Stat. 1254; 42 U.S.C. 1490n; 97 Stat. 1266; 19 U.S.C. 1671a.
United States Commission on Civil Rights Act of 1983	Public Law 98-183; 97 Stat. 1302; 42 U.S.C. 1975a; 97 Stat. 1303; 42 U.S.C. 1975a.
Education of the Handicapped Act Amendments of 1983	Public Law 98-199; 97 Stat. 1359; 20 U.S.C. 1407; 97 Stat. 1361; 20 U.S.C. 1418; 97 Stat. 1373; 20 U.S.C. 1441.
Federal Insecticide, Fungicide, and Rodenticide Act, amendment	Public Law 98-201; 97 Stat. 1379; 7 U.S.C. 136w.